

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2992 SCOMM 131: HOUSE SPECIAL COMMITTEE ON FISHERIES, 2003-04

1       sustained yield principle; and

2               (B) promote the conservation and sustained yield management of  
3       Alaska fishery resources and the economic health and stability of commercial fishing  
4       in the state by regulating and controlling entry of participants into commercial  
5       fisheries in the public interest and without unjust discrimination;

6               (2) the North Pacific Fishery Management Council has undertaken an analysis  
7       of the Gulf of Alaska groundfish fisheries in the United States exclusive economic zone off  
8       Alaska and has begun consideration of action that may result in significant reductions in the  
9       number of fishermen that may participate in those fisheries;

10              (3) in order to adequately protect state groundfish fishery resources of the Gulf  
11       of Alaska and to protect those dependent upon the groundfish fisheries from economic  
12       distress, management measures must be considered that will mitigate effects from the  
13       pressures that will result from rationalization in the federal groundfish fisheries adjacent to  
14       state groundfish fisheries;

15              (4) a timely, temporary moratorium on entry of new participants into the state-  
16       managed groundfish fisheries west of Cape Suckling will control growth during development  
17       of a long-term plan for the management of state Gulf of Alaska groundfish fisheries.

18              (b) The purposes of the moratorium on entry of new participants into the state Gulf of  
19       Alaska groundfish fisheries established by this Act are to

20              (1) immediately impose a moratorium on entry of new participants into the  
21       state Gulf of Alaska groundfish fisheries west of Cape Suckling to temporarily protect Alaska  
22       fisheries, fishermen, and those dependent on them for a livelihood from potential adverse  
23       consequences of action the North Pacific Fishery Management Council is expected to take to  
24       reduce participation in the Gulf of Alaska groundfish fisheries in the United States exclusive  
25       economic zone off Alaska, while avoiding unnecessary restrictions on entry to Alaska  
26       commercial fisheries;

27              (2) require, during the state Gulf of Alaska groundfish fishery moratorium in  
28       state water, study of whether permanent limitation on entry into these groundfish fisheries is  
29       necessary and, if so, whether statutory changes are necessary in order to implement an  
30       effective limited entry program in those groundfish fisheries; and

31              (3) provide time to pursue statutory or regulatory changes necessary to

1 provide for the long-term management of Alaska groundfish fisheries.

2 \* Sec. 2. AS 16.43.225(a) is repealed and reenacted to read:

3 (a) The commission may establish a moratorium on entry of new entrants into  
4 a commercial fishery if the commission finds that the moratorium is necessary

5 (1) to promote the conservation and sustained yield management of the  
6 fishery resource and the economic health and stability of the commercial fishery; and

7 (2) either

8 (A) to allow time for the commission to develop regulatory or  
9 legislative proposals to address needs of the fishery that cannot be met under  
10 existing regulations or statutes; or

11 (B) to allow the Department of Fish and Game or the Board of  
12 Fisheries to open a commercial fishery that would otherwise remain closed to  
13 protect a fishery resource from overexploitation resulting from unrestricted  
14 access to the fishery.

15 \* Sec. 3. AS 16.43.225(b) is repealed and reenacted to read:

16 (b) The commission may establish a moratorium on new entrants in one or  
17 more fisheries or for one or more fishery resources, gear types, or administrative areas  
18 within a fishery.

19 \* Sec. 4. AS 16.43.225(c) is amended to read:

20 (c) The commission may establish a moratorium under this section for a  
21 continuous period of up to <sup>3</sup>four years. The commission may extend the period of a  
22 moratorium for a continuous period of not more than <sup>1</sup>two years if necessary to  
23 achieve a purpose described under (a) of this section. A fishery that has been  
24 subject to a moratorium under this section may not be subjected to a subsequent  
25 moratorium under this section unless five years have elapsed since the previous  
26 moratorium expired.

27 \* Sec. 5. AS 16.43.225(d) is amended to read:

28 (d) While a moratorium is in effect, the commission shall study and evaluate  
29 alternatives for management of entry into the fishery under this chapter  
30 [CONDUCT INVESTIGATIONS TO DETERMINE WHETHER A MAXIMUM  
31 NUMBER OF ENTRY PERMITS SHOULD BE ESTABLISHED UNDER

AS 16.43.240] by

(1) conducting research into conditions in the fishery;

(2) consulting with the Department of Fish and Game and the Board of Fisheries; and

(3) consulting with participants in the fishery.

\* Sec. 6. AS 16.43.225(e) is amended to read:

(e) The commission shall establish by regulation a qualification date and eligibility criteria [THE QUALIFICATIONS] for applicants for an interim-use permit for a fishery subject to a moratorium under this section. The eligibility criteria for an interim-use permit for a fishery subject to a moratorium under this section [QUALIFICATIONS] must include the minimum requirements for past or present participation and harvest in the fishery as of the qualification date established by the commission. The commission shall issue an interim-use permit to a person who satisfies the eligibility criteria established under this subsection [THE COMMISSION MAY NOT ISSUE AN INTERIM-USE PERMIT FOR A FISHERY SUBJECT TO A MORATORIUM UNDER THIS SECTION UNLESS THE APPLICANT CAN SATISFY THE QUALIFICATIONS ESTABLISHED UNDER THIS SUBSECTION AND ESTABLISH THE PRESENT ABILITY AND INTENT TO PARTICIPATE ACTIVELY IN THE FISHERY].

\* Sec. 7. AS 16.43.225 is amended by adding new subsections to read:

(f) If the commission establishes a moratorium under this section for a fishery that involves more than one fishery resource, type of gear, or administrative area, the commission may limit, as the commission determines appropriate, the species of fishery resource that may be harvested, the types of gear that may be used, and the areas where fishing may occur under an interim-use permit issued for the fishery. The commission shall adopt criteria, as appropriate, for determining how

(1) restrictions on fishery resources, types of gear, and areas fished are established for individual interim-use permits; and

(2) eligibility to take a particular fishery resource, to use a particular type of gear, or to fish in a particular area is established.

(g) Unless otherwise provided by law or by a regulation adopted by the

commission, the commission may not consider participation in a fishery by a person that occurs during the period of the moratorium in determining eligibility for fishing privileges under a subsequent limitation on entry or participation in the fishery.

(h) Unless the application of a provision of this chapter to an interim-use permit issued under this section conflicts with this section or the purpose of this section, an interim-use permit issued under this section is subject to all provisions of this chapter governing interim-use permits.

(i) Nothing in this section limits the powers of the Board of Fisheries or the Department of Fish and Game.

\* Sec. 8. AS 16.43.260(f) is amended to read:

(f) When the commission establishes the maximum number of entry permits under AS 16.43.240 for a fishery that is subject to a moratorium under AS 16.43.225, the commission shall establish a qualification date to be used to determine the priority classification among applicants. Each [AN] applicant for an entry permit for the fishery shall be assigned to a priority classification based [SOLELY] upon the applicant's qualifications as of the qualification [EFFECTIVE] date established under this subsection [OF THE STATUTE OR REGULATION ESTABLISHING THE MORATORIUM].

\* Sec. 9. AS 16.43 is amended by adding a new section to read:

**Sec. 16.43.226. Gulf of Alaska groundfish fisheries.** (a) For the period beginning on January 1, 2005, and ending on the date of the expiration under (d) of this section of the moratorium on entry of new participants into Gulf of Alaska groundfish fisheries established under this section, the commission shall issue interim-use permits under this section to participants in the state Gulf of Alaska groundfish fisheries. The commission shall issue an interim-use permit to an eligible person upon application. The commission shall issue a separate interim-use permit for each fishery. The Gulf of Alaska groundfish fisheries are

- (1) Prince William Sound groundfish non-pelagic trawl fishery;
- (2) Prince William Sound groundfish pelagic trawl fishery;
- (3) Prince William Sound groundfish longline fishery;
- (4) Prince William Sound groundfish pot fishery;

- (5) Cook Inlet groundfish non-pelagic trawl fishery;
- (6) Cook Inlet groundfish pelagic trawl fishery;
- (7) Cook Inlet groundfish longline fishery;
- (8) Cook Inlet groundfish pot fishery;
- (9) Kodiak groundfish non-pelagic trawl fishery;
- (10) Kodiak groundfish pelagic trawl fishery;
- (11) Kodiak groundfish longline fishery;
- (12) Kodiak groundfish pot fishery;
- (13) Chignik groundfish non-pelagic trawl fishery;
- (14) Chignik groundfish pelagic trawl fishery;
- (15) Chignik groundfish longline fishery;
- (16) Chignik groundfish pot fishery;
- (17) South Alaska Peninsula groundfish non-pelagic trawl fishery;
- (18) South Alaska Peninsula groundfish pelagic trawl fishery;
- (19) South Alaska Peninsula groundfish longline fishery;
- (20) South Alaska Peninsula groundfish pot fishery.

(b) An interim-use permit issued under this section is a use privilege authorizing the permit holder to engage in a specific groundfish fishery if that fishery is authorized by the Board of Fisheries. The interim-use permit must describe the fishery resource, the type of gear, and the area for which the permit is issued. The use privilege conveyed by the permit may be modified or revoked by the legislature without compensation.

(c) Except as provided in (j) of this section, on or after January 1, 2005, a person may not use pelagic trawl, non-pelagic trawl, longline, or pot gear, as defined by the Board of Fisheries, to take groundfish in a state Gulf of Alaska groundfish fishery unless the person holds an interim-use permit that has been issued for that fishery under this section. This subsection does not prohibit a person from taking groundfish using gear other than pelagic trawl, non-pelagic trawl, longline, or pot gear, if the taking and retention of the groundfish is permitted under regulations adopted by the Board of Fisheries and the person holds the appropriate interim-use permit issued under AS 16.43.210.

1 (d) Notwithstanding AS 16.43.225, the commission may not issue an interim-  
2 use permit under this section to a person for a Gulf of Alaska groundfish fishery for  
3 the period January 1, 2005, through December 31, 200<sup>5</sup>~~8~~, inclusive, unless the person  
4 has, on or after January 1, 1998, and before the effective date of this Act, made a  
5 documented landing of groundfish in the area using the type of gear for which the  
6 permit is to be issued. The commission may by regulation extend the moratorium on  
7 entry of new participants into the Gulf of Alaska groundfish fisheries established  
8 under this subsection for a maximum period of ~~two years~~<sup>ONE</sup> until January 1, 2011, if the  
9 commission finds that the extension of the moratorium is necessary to achieve the  
10 purposes of the moratorium.

11 (e) Participation of a person in a Gulf of Alaska groundfish fishery during the  
12 moratorium established under (d) of this section may not be used to establish  
13 eligibility for a use privilege for a groundfish fishery that may be issued after the  
14 termination of the moratorium authorized under this section.

15 (f) Subsections (d) - (e) of this section may be superseded by regulations  
16 adopted by the commission under subsequent legislation enacted by the legislature  
17 authorizing the regulations.

18 (g) The annual fee for an interim-use permit issued under this section is

19 (1) \$500 for each pelagic trawl fishery or non-pelagic trawl fishery;

20 (2) \$250 for each pot fishery or longline fishery;

21 (h) During the moratorium established under (d) of this section, the  
22 commission shall, in cooperation with the Department of Fish and Game and the  
23 Board of Fisheries, conduct investigations to determine appropriate alternatives for  
24 management of entry into Gulf of Alaska groundfish fisheries in the state. The  
25 commission shall submit proposals to the legislature for legislation or constitutional  
26 amendments necessary to implement the recommendations of the commission.

27 (i) The commission may adopt regulations that the commission considers  
28 necessary to implement this section.

29 (j) Notwithstanding other provisions of this section, an interim-use permit  
30 issued under this section is not required for a person while that person is participating  
31 in the Prince William Sound sablefish fishery or a halibut fishery managed under a

1 federal individual fishery quota system; however, the person shall hold an appropriate  
2 interim-use permit issued under AS 16.43.210.

3 (k) In this section,

4 (1) "Chignik" means the marine water of the Chignik groundfish  
5 fishery registration area, as defined by the Board of Fisheries;

6 (2) "Cook Inlet" means the marine water of the Cook Inlet groundfish  
7 fishery registration area, as defined by the Board of Fisheries;

8 (3) "groundfish" means a species of marine finfish other than halibut,  
9 osmerids, herring, or salmonids;

10 (4) "Gulf of Alaska" means the marine water of the state adjacent to  
11 the Gulf of Alaska that is west of the latitude of Cape Suckling to the westward extent  
12 of state water of the Aleutian Islands;

13 (5) "Gulf of Alaska groundfish fishery" means a fishery in which  
14 groundfish are taken in a specified administrative or registration area in the Gulf of  
15 Alaska using a specified type of fishing gear that is either pelagic trawl, non-pelagic  
16 trawl, pot, or longline gear;

17 (6) "Kodiak" means the marine water of the Kodiak groundfish fishery  
18 registration area, as defined by the Board of Fisheries;

19 (7) "landing" means the act of offloading for sale, or for transport to a  
20 buyer for later sale, or catching and processing of groundfish taken in a halibut or  
21 groundfish fishery in state water for sale as evidenced by a Department of Fish and  
22 Game fish ticket;

23 (8) "Prince William Sound" means the marine water of the Prince  
24 William Sound groundfish fishery registration area, as defined by the Board of  
25 Fisheries;

26 (9) "South Alaska Peninsula" means the marine water of the South  
27 Alaska Peninsula groundfish fishery registration area, as defined by the Board of  
28 Fisheries.

29 \* Sec. 10. AS 16.05.050(a)(19), 16.05.251(g), AS 16.43.227, and 16.43.228 are repealed.

30 \* Sec. 11. This Act takes effect immediately under AS 01.10.070(c).

23-LS1677X

Utermohle

4/16/04

HOUSE CS FOR CS FOR SENATE BILL NO. 347( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR BEN STEVENS BY REQUEST

## A BILL

## FOR AN ACT ENTITLED

"An Act relating to moratoria on entry of new participants or vessels into a commercial fishery; relating to the establishment of a moratorium on entry of new participants and vessels into state Gulf of Alaska groundfish fisheries; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. The uncoded law of the State of Alaska is amended by adding a new section to read:

FINDINGS, PURPOSE, AND INTENT WITH REGARD TO A MORATORIUM ON ENTRY OF NEW PARTICIPANTS AND VESSELS INTO STATE GULF OF ALASKA GROUND FISH FISHERIES. (a) The Alaska State Legislature finds that

(1) the goal of the state is to

(A) protect, maintain, and improve the fishery resources of the state, and manage the use and development of those fishery resources in the best interest of the economy and the well-being of the people of the state, consistent with the

1       sustained yield principle; and

2               (B) promote the conservation and sustained yield management of  
3       Alaska fishery resources and the economic health and stability of commercial fishing  
4       in the state by regulating and controlling entry of participants and vessels into  
5       commercial fisheries in the public interest and without unjust discrimination;

6               (2) the North Pacific Fishery Management Council has undertaken an analysis  
7       of the Gulf of Alaska groundfish fisheries in the United States exclusive economic zone off  
8       Alaska and has begun consideration of action that may result in significant reductions in the  
9       number of fishermen and vessels that may participate in those fisheries;

10              (3) in order to adequately protect state groundfish fishery resources of the Gulf  
11       of Alaska and to protect those dependent upon the groundfish fisheries from economic  
12       distress, management measures must be considered that will mitigate effects from the  
13       pressures that will result from rationalization in the federal groundfish fisheries adjacent to  
14       state groundfish fisheries;

15              (4) a timely, temporary moratorium on entry of new participants and vessels  
16       into the state-managed groundfish fisheries west of Cape Suckling will control growth during  
17       development of a long-term plan for the management of state Gulf of Alaska groundfish  
18       fisheries.

19              (b) The purposes of the moratorium on entry of new participants and vessels into the  
20       state Gulf of Alaska groundfish fisheries established by this Act are to

21              (1) immediately impose a moratorium on entry of new participants and vessels  
22       into the state Gulf of Alaska groundfish fisheries west of Cape Suckling to temporarily protect  
23       Alaska fisheries, fishermen, and those dependent on them for a livelihood from potential  
24       adverse consequences of action the North Pacific Fishery Management Council is expected to  
25       take to reduce participation in the Gulf of Alaska groundfish fisheries in the United States  
26       exclusive economic zone off Alaska, while avoiding unnecessary restrictions on entry to  
27       Alaska commercial fisheries;

28              (2) require, during the state Gulf of Alaska groundfish moratorium in state  
29       water, study of whether permanent limitation on entry of participants or vessels or both into  
30       these groundfish fisheries is necessary and, if so, whether statutory changes are necessary in  
31       order to implement an effective limited access program in those groundfish fisheries; and

(3) provide time to pursue statutory or regulatory changes necessary to provide for the long-term management of Alaska groundfish fisheries.

(c) It is the intent of the legislature that nothing in sec. 9 of this Act predetermine what, if any, permanent limitation on entry may be adopted for the state Gulf of Alaska groundfish fisheries.

\* Sec. 2. AS 16.43.225(a) is repealed and reenacted to read:

(a) The commission may establish a moratorium on entry of new persons or vessels, or both, into a commercial fishery if the commission finds that the moratorium is necessary

(1) to promote the conservation and sustained yield management of the fishery resource and the economic health and stability of the commercial fishery; and

(2) either

(A) to allow time for the commission to develop regulatory or legislative proposals to address needs of the fishery that cannot be met under existing regulations or statutes; or

(B) to allow the Department of Fish and Game or the Board of Fisheries to open a commercial fishery that would otherwise remain closed to protect a fishery resource from overexploitation resulting from unrestricted access to the fishery.

\* Sec. 3. AS 16.43.225(b) is repealed and reenacted to read:

(b) The commission may establish a moratorium under this section in one or more fisheries or for one or more fishery resources, gear types, or administrative areas within a fishery.

\* Sec. 4. AS 16.43.225(c) is amended to read:

(c) The commission may establish a moratorium under this section for a continuous period of up to four years. The commission may extend the period of a moratorium for a continuous period of not more than two years if necessary to achieve a purpose described under (a) of this section. A fishery that has been subject to a moratorium under this section may not be subjected to a subsequent moratorium under this section unless five years have elapsed since the previous moratorium expired.

1 \* Sec. 5. AS 16.43.225(d) is amended to read:

2 (d) While a moratorium is in effect, the commission shall study and evaluate  
3 alternatives for management of entry into the fishery under this chapter  
4 [CONDUCT INVESTIGATIONS TO DETERMINE WHETHER A MAXIMUM  
5 NUMBER OF ENTRY PERMITS SHOULD BE ESTABLISHED UNDER  
6 AS 16.43.240] by

7 (1) conducting research into conditions in the fishery;

8 (2) consulting with the Department of Fish and Game and the Board of  
9 Fisheries; and

10 (3) consulting with participants in the fishery.

11 \* Sec. 6. AS 16.43.225(e) is amended to read:

12 (e) The commission shall establish by regulation a qualification date and  
13 eligibility criteria [THE QUALIFICATIONS] for applicants for an interim-use  
14 permit, vessel permit, or both for a fishery subject to a moratorium under this section.  
15 The eligibility criteria for an interim-use permit or vessel permit for a fishery  
16 subject to a moratorium under this section [QUALIFICATIONS] must include the  
17 minimum requirements for past or present participation and harvest in the fishery as of  
18 the qualification date established by the commission. The commission shall issue

19 (1) an interim-use permit to a person who satisfies the eligibility  
20 criteria established under this subsection;

21 (2) a vessel permit to a person or entity who, as of the qualification  
22 date, owns a vessel that satisfies the eligibility criteria established under this  
23 subsection for a vessel permit for the fishery [THE COMMISSION MAY NOT  
24 ISSUE AN INTERIM-USE PERMIT FOR A FISHERY SUBJECT TO A  
25 MORATORIUM UNDER THIS SECTION UNLESS THE APPLICANT CAN  
26 SATISFY THE QUALIFICATIONS ESTABLISHED UNDER THIS SUBSECTION  
27 AND ESTABLISH THE PRESENT ABILITY AND INTENT TO PARTICIPATE  
28 ACTIVELY IN THE FISHERY].

29 \* Sec. 7. AS 16.43.225 is amended by adding new subsections to read:

30 (f) If the commission establishes a moratorium under this section for a fishery  
31 that involves more than one fishery resource, type of gear, or administrative area, the

commission may limit, as the commission determines appropriate, the species of fishery resource that may be harvested, the types of gear that may be used, and the areas where fishing may occur under an interim-use permit or a vessel permit issued for the fishery. The commission shall adopt criteria, as appropriate, for determining how

(1) restrictions on fishery resources, types of gear, and areas fished are established for individual interim-use permits and vessel permits; and

(2) eligibility to take a particular fishery resource, to use a particular type of gear, or to fish in a particular area is established.

(g) If the commission establishes a moratorium on entry of new persons or vessels into a fishery, the commission may regulate the fishing capacity that may be employed under an interim-use permit or a vessel permit issued for the fishery. The commission shall, as appropriate, adopt criteria for determining how restrictions on fishing capacity are established for interim-use permits and vessel permits. The criteria may be based on past participation in the fishery. The commission may define fishing capacity in terms of quantity of fishing gear, fishing vessel size, or other characteristics determined by the commission to affect the fishing capacity of vessels employed in the fishery.

(h) A vessel permit issued under this section

(1) constitutes a use privilege that may be modified or revoked by law without compensation;

(2) may not be

(A) transferred to another vessel, person, or entity, except as provided under (j) of this section;

(B) pledged, mortgaged, leased, or encumbered in any way;

(C) attached, distrained, or sold on execution of judgment or under any other process or order of any court;

(3) does not alter the requirement for an interim-use permit under AS 16.43.140 or a vessel license under AS 16.05.490 - 16.05.520.

(i) The commission shall establish fees for the issuance and annual renewal of vessel permits issued under this section. The annual fee for the vessel permit must

1 reasonably reflect the rate of economic return for the fishery and may not exceed  
2 \$1,000.

3 (j) The commission may, in the regulations establishing a moratorium under  
4 this section, provide for

5 (1) the substitution of another vessel for the vessel that is identified on  
6 a vessel permit if the vessel for which the vessel permit was originally issued is sunk,  
7 destroyed, or damaged to the extent that the vessel is unable to operate in the fishery  
8 for which the permit is issued;

9 (2) a vessel permit to be reissued to the new owner of a vessel that is  
10 identified on the vessel permit if the ownership of the vessel changes during the  
11 moratorium;

12 (3) the substitution of a shorter vessel for the vessel identified on a  
13 vessel permit if

14 (A) the Board of Fisheries has adopted a vessel size restriction  
15 that prohibits the use of the vessel identified on the vessel permit in the fishery  
16 for which the vessel permit was issued;

17 (B) the substitute vessel complies with the vessel size  
18 restrictions adopted by the Board of Fisheries for the fishery for which the  
19 vessel permit was issued; and

20 (C) the substitute vessel is owned by the person or entity that  
21 owned the vessel identified on the vessel permit.

22 (k) Unless otherwise provided by law or by a regulation adopted by the  
23 commission, the commission may not consider participation in a fishery by a person or  
24 vessel that occurs during the period of the moratorium in determining eligibility for  
25 fishing privileges under a subsequent limitation on entry or participation in the fishery.

26 (l) Unless the application of a provision of this chapter to an interim-use  
27 permit issued under this section conflicts with this section or the purpose of this  
28 section, an interim-use permit issued under this section is subject to all provisions of  
29 this chapter governing interim-use permits.

30 (m) Nothing in this section limits the powers of the Board of Fisheries or the  
31 Department of Fish and Game.

(n) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may release to the owner of a vessel information on a vessel's history of harvests in a fishery that is necessary to apply for a vessel permit for the vessel under this section.

\* Sec. 8. AS 16.43.260(f) is amended to read:

(f) When the commission establishes the maximum number of entry permits under AS 16.43.240 for a fishery that is subject to a moratorium under AS 16.43.225, the commission shall establish a qualification date to be used to determine the priority classification among applicants. Each [AN] applicant for an entry permit for the fishery shall be assigned to a priority classification based [SOLELY] upon the applicant's qualifications as of the qualification [EFFECTIVE] date established under this subsection [OF THE STATUTE OR REGULATION ESTABLISHING THE MORATORIUM].

\* Sec. 9. AS 16.43 is amended by adding a new section to read:

**Sec. 16.43.908. Moratorium on entry of new participants and vessels in state Gulf of Alaska groundfish fisheries.** (a) For the period January 1, 2005, through December 31, 2008, a moratorium on entry of new participants and vessels into the state Gulf of Alaska groundfish fisheries is established. The commission may by regulation extend the moratorium on entry of new participants and vessels into a state Gulf of Alaska groundfish fishery listed in (d) of this section for a maximum period of two years until December 31, 2010, if the commission finds that the extension is necessary to achieve the purposes of this section.

(b) While the moratorium established under this section is in effect, the commission shall, in cooperation with the Department of Fish and Game and the Board of Fisheries, conduct investigations to determine appropriate alternatives for management of entry into Gulf of Alaska groundfish fisheries in the state. If the commission does not have the authority to implement the appropriate alternatives for management of entry into the fisheries, the commission shall submit proposals to the legislature for legislation or constitutional amendments necessary to implement the recommendations of the commission.

(c) While the moratorium established under this section is in effect, a person may not operate pelagic trawl, non-pelagic trawl, longline, or pot gear, as defined by

1 the Board of Fisheries, to take groundfish in a state Gulf of Alaska groundfish fishery  
2 unless the person holds an appropriate interim-use permit that has an endorsement  
3 authorizing the permit holder to take groundfish in Gulf of Alaska groundfish fisheries  
4 during the moratorium. A person may not receive an endorsement for the Gulf of  
5 Alaska groundfish fisheries unless the person is determined by the commission to  
6 have, on or after January 1, 1998, and before the effective date of this section, made a X 2020  
7 documented landing of groundfish in a state Gulf of Alaska groundfish fishery. A  
8 person who applies to the commission for a determination of eligibility for an  
9 endorsement under this subsection shall pay a one-time eligibility application  
10 processing fee of \$50. A determination of eligibility for an endorsement under this  
11 subsection is valid for the duration of the moratorium established under this section.  
12 The commission shall issue an appropriate interim-use permit with an endorsement for  
13 Gulf of Alaska groundfish fisheries to each person who is determined eligible to  
14 receive an interim-use permit with an endorsement under this subsection.

15 (d) While the moratorium established by this section is in effect, a commercial  
16 fishing vessel may not use pelagic trawl, non-pelagic trawl, longline, or pot gear, as  
17 defined by the Board of Fisheries, to take groundfish in a state Gulf of Alaska  
18 groundfish fishery unless the commission has issued an annual vessel permit for that  
19 fishery to the vessel. The commission shall issue a separate vessel permit for each  
20 Gulf of Alaska groundfish fishery for which a vessel is eligible to receive a vessel  
21 permit under this subsection upon application by the vessel owner. The commission  
22 may not issue a vessel permit under this subsection unless the vessel has, on or after  
23 January 1, 1998, and before the effective date of this section, made a documented X 2020

24 landing of groundfish in the area using the type of gear for which the vessel permit is  
25 to be issued. A vessel permit must describe the fishery resource, the type of gear, and  
26 the area for which the vessel permit is issued. A vessel permit issued under this  
27 subsection may not be pledged, mortgaged, leased, or encumbered in any way or  
28 attached, distrained, or sold on execution of judgment or under any other process or  
29 order of any court.

30 (e) A vessel permit is valid for the calendar year that is inscribed on the vessel  
31 permit. The annual fee for a vessel permit is

1 (1) \$500 for each pelagic trawl fishery or non-pelagic trawl fishery;

2 (2) \$250 for each pot fishery or longline fishery.

3 (f) While the moratorium established by this section is in effect, the  
4 commission, upon payment of a \$50 vessel permit reissuance fee by the owner of the  
5 vessel,

6 (1) may reissue a vessel permit to another commercial fishing vessel  
7 with an overall length that does not exceed the overall length of a vessel that was sunk,  
8 destroyed, or damaged if the commercial fishing vessel that qualifies for a vessel  
9 permit under this section or that is issued a vessel permit under this section is sunk,  
10 destroyed, or damaged, to the extent that the vessel is inoperable for a state Gulf of  
11 Alaska groundfish fishery;

12 (2) may reissue a vessel permit to a shorter vessel that is substituted for  
13 the vessel identified on the vessel permit if

14 (A) the Board of Fisheries has adopted a vessel size restriction  
15 that prohibits the use of the vessel identified on the vessel permit in the fishery  
16 for which the vessel permit was issued;

17 (B) the substitute vessel complies with the vessel size  
18 restrictions adopted by the Board of Fisheries for the fishery for which the  
19 vessel permit was issued; and

20 (C) the substitute vessel is owned by the person or entity that  
21 owned the vessel identified on the vessel permit;

22 (3) shall reissue a vessel permit to the new owner of a vessel if the  
23 ownership of the vessel identified on the vessel permit is transferred and the new  
24 owner of the vessel submits proof of ownership.

25 (g) Notwithstanding other provisions of this section,

26 (1) this section does not prohibit a person from taking groundfish in  
27 the Gulf of Alaska using gear other than pelagic trawl, non-pelagic trawl, longline, or  
28 pot gear if the taking and retention of the groundfish is permitted under regulations  
29 adopted by the Board of Fisheries and the person holds the appropriate interim-use  
30 permit issued under AS 16.43.210;

31 (2) this section does not prohibit the use of a commercial fishing vessel

*add new  
fishing  
\$500  
no 10%  
for  
destroyed*

1 to take groundfish in the Gulf of Alaska using gear other than pelagic trawl, non-  
2 pelagic trawl, longline, or pot gear if the taking and retention of the groundfish is  
3 permitted under regulations adopted by the Board of Fisheries;

4 (3) an interim-use permit with an endorsement for the Gulf of Alaska  
5 groundfish fisheries issued under this section is not required for a person while that  
6 person is participating in the Prince William Sound sablefish fishery or a halibut  
7 fishery managed under a federal individual fishery quota system; however, the person  
8 shall hold an appropriate interim-use permit issued under AS 16.43.210;

9 (4) a vessel permit issued under this section is not required for a vessel  
10 while that vessel is participating in the Prince William Sound sablefish fishery or a  
11 halibut fishery managed under a federal individual fishery quota system.

12 (h) An interim-use permit with an endorsement issued under this section is a  
13 use privilege authorizing the permit holder to engage in the Gulf of Alaska groundfish  
14 fisheries that are opened to commercial fishing by the Board of Fisheries. A vessel  
15 permit issued under this section is a use privilege authorizing the vessel to engage in a  
16 specific groundfish fishery if that fishery is authorized by the Board of Fisheries. The  
17 use privilege conveyed by an interim-use permit with an endorsement or by a vessel  
18 permit issued under this section may be modified or revoked by the legislature without  
19 compensation.

20 (i) Participation of an interim-use permit holder or a vessel in a Gulf of Alaska  
21 groundfish fishery during the moratorium established under this section may not be  
22 used to establish eligibility for a use privilege for a Gulf of Alaska groundfish fishery  
23 that may be authorized after the termination of the moratorium established under this  
24 section.

25 (j) Notwithstanding other provisions of this section, a moratorium on entry of  
26 new participants and vessels into a state Gulf of Alaska groundfish fishery listed in (I)  
27 of this section is subject to termination if the commission adopts regulations  
28 establishing a limited entry program for the fishery under this chapter, or under law  
29 enacted after the effective date of this section. On and after the date that the limited  
30 entry program for the fishery takes effect as determined by regulation adopted by the  
31 commission, the moratorium established under this section for that Gulf of Alaska

any of  
fisheries  
could  
be limited  
sooner.

groundfish fishery is terminated and the fishery is not subject to this section. Subsection (i) of this section may be superseded by regulations adopted by the commission under AS 16.43.240 or 16.43.260 or under law enacted after the effective date of this section authorizing the regulations.

(k) The commission may adopt regulations that the commission considers necessary to implement this section.

(l) For purposes of this section, the state Gulf of Alaska groundfish fisheries are

- (1) Prince William Sound groundfish non-pelagic trawl fishery;
- (2) Prince William Sound groundfish pelagic trawl fishery;
- (3) Prince William Sound groundfish longline fishery;
- (4) Prince William Sound groundfish pot fishery;
- (5) Cook Inlet groundfish non-pelagic trawl fishery;
- (6) Cook Inlet groundfish pelagic trawl fishery;
- (7) Cook Inlet groundfish longline fishery;
- (8) Cook Inlet groundfish pot fishery;
- (9) Kodiak groundfish non-pelagic trawl fishery;
- (10) Kodiak groundfish pelagic trawl fishery;
- (11) Kodiak groundfish longline fishery;
- (12) Kodiak groundfish pot fishery;
- (13) Chignik groundfish non-pelagic trawl fishery;
- (14) Chignik groundfish pelagic trawl fishery;
- (15) Chignik groundfish longline fishery;
- (16) Chignik groundfish pot fishery;
- (17) South Alaska Peninsula groundfish non-pelagic trawl fishery;
- (18) South Alaska Peninsula groundfish pelagic trawl fishery;
- (19) South Alaska Peninsula groundfish longline fishery;
- (20) South Alaska Peninsula groundfish pot fishery.

(m) In this section,

(1) "Chignik" means the marine water of the Chignik groundfish fishery registration area, as defined by the Board of Fisheries;

(2) "Cook Inlet" means the marine water of the Cook Inlet groundfish fishery registration area, as defined by the Board of Fisheries;

(3) "groundfish" means a species of marine finfish other than halibut, osmerids, herring, or salmonids;

(4) "Gulf of Alaska" means the marine water of the state adjacent to the Gulf of Alaska that is west of the latitude of Cape Suckling to the westward extent of state water of the Aleutian Islands;

(5) "Gulf of Alaska groundfish fishery" means a fishery in which groundfish are taken in a specified administrative or registration area in the Gulf of Alaska using a specified type of fishing gear that is either pelagic trawl, non-pelagic trawl, pot, or longline gear;

(6) "Kodiak" means the marine water of the Kodiak groundfish fishery registration area, as defined by the Board of Fisheries;

(7) "landing" means the act of offloading for sale, or for transport to a buyer for later sale, or catching and processing of groundfish taken in a halibut or groundfish fishery in state water for sale as evidenced by a Department of Fish and Game fish ticket;

(8) "Prince William Sound" means the marine water of the Prince William Sound groundfish fishery registration area, as defined by the Board of Fisheries;

(9) "South Alaska Peninsula" means the marine water of the South Alaska Peninsula groundfish fishery registration area, as defined by the Board of Fisheries.

\* Sec. 10. AS 16.43.911(c) is amended to read:

(c) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may release to the owner of a vessel information on the vessel's history of harvests in a fishery that is necessary to apply for a vessel permit under AS 16.43.901 - 16.43.908 [AS 16.43.901 - 16.43.906].

\* Sec. 11. The uncoded law of the State of Alaska enacted in sec. 6, ch. 97, SLA 1997, as amended by sec. 6, ch. 30, SLA 2000, is amended to read:

Sec. 6. AS 16.43.906, added by sec. 3 of this Act, is [AND AS 16.43.911

1 ARE] repealed July 1, 2004.

2 \* Sec. 12. AS 16.05.050(a)(19), 16.05.251(g); AS 16.43.227, and 16.43.228 are repealed.

3 \* Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 CONTINGENT RETROSPECTIVITY. If this Act does not take effect before July 1,  
6 2004, secs. 10 - 11 of this Act are retrospective to June 30, 2004.

7 \* Sec. 14. This Act takes effect immediately under AS 01.10.070(c).

23-LS1677\W  
Utermohle  
4/13/04

HOUSE CS FOR CS FOR SENATE BILL NO. 347( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATOR BEN STEVENS BY REQUEST

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to moratoria on entry of new participants or vessels into a commercial  
2 fishery; relating to the establishment of a moratorium on entry of new participants and  
3 vessels into state Gulf of Alaska groundfish fisheries; and providing for an effective  
4 date."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 \* Section 1. The uncoded law of the State of Alaska is amended by adding a new section  
7 to read:

8 FINDINGS AND PURPOSE WITH REGARD TO A MORATORIUM ON ENTRY  
9 OF NEW PARTICIPANTS AND VESSELS INTO STATE GULF OF ALASKA  
10 GROUND FISH FISHERIES. (a) The Alaska State Legislature finds that

11 (1) the goal of the state is to

12 (A) protect, maintain, and improve the fishery resources of the state,  
13 and manage the use and development of those fishery resources in the best interest of  
14 the economy and the well-being of the people of the state, consistent with the

1       sustained yield principle; and

2               (B) promote the conservation and sustained yield management of  
3       Alaska fishery resources and the economic health and stability of commercial fishing  
4       in the state by regulating and controlling entry of participants and vessels into  
5       commercial fisheries in the public interest and without unjust discrimination;

6               (2) the North Pacific Fishery Management Council has undertaken an analysis  
7       of the Gulf of Alaska groundfish fisheries in the United States exclusive economic zone off  
8       Alaska and has begun consideration of action that may result in significant reductions in the  
9       number of fishermen and vessels that may participate in those fisheries;

10              (3) in order to adequately protect state groundfish fishery resources of the Gulf  
11       of Alaska and to protect those dependent upon the groundfish fisheries from economic  
12       distress, management measures must be considered that will mitigate effects from the  
13       pressures that will result from rationalization in the federal groundfish fisheries adjacent to  
14       state groundfish fisheries;

15              (4) a timely, temporary moratorium on entry of new participants and vessels  
16       into the state-managed groundfish fisheries west of Cape Suckling will control growth during  
17       development of a long-term plan for the management of state Gulf of Alaska groundfish  
18       fisheries.

19              (b) The purposes of the moratorium on entry of new participants and vessels into the  
20       state Gulf of Alaska groundfish fisheries established by this Act are to

21              (1) immediately impose a moratorium on entry of new participants and vessels  
22       into the state Gulf of Alaska groundfish fisheries west of Cape Suckling to temporarily protect  
23       Alaska fisheries, fishermen, and those dependent on them for a livelihood from potential  
24       adverse consequences of action the North Pacific Fishery Management Council is expected to  
25       take to reduce participation in the Gulf of Alaska groundfish fisheries in the United States  
26       exclusive economic zone off Alaska, while avoiding unnecessary restrictions on entry to  
27       Alaska commercial fisheries;

28              (2) require, during the state Gulf of Alaska groundfish moratorium in state  
29       water, study of whether permanent limitation on entry of participants or vessels or both into  
30       these groundfish fisheries is necessary and, if so, whether statutory changes are necessary in  
31       order to implement an effective limited access program in those groundfish fisheries; and

1 (3) provide time to pursue statutory or regulatory changes necessary to  
2 provide for the long-term management of Alaska groundfish fisheries.

3 \* Sec. 2. AS 16.43.225(a) is repealed and reenacted to read:

4 (a) The commission may establish a moratorium on entry of new persons or  
5 vessels, or both, into a commercial fishery if the commission finds that the moratorium  
6 is necessary

7 (1) to promote the conservation and sustained yield management of the  
8 fishery resource and the economic health and stability of the commercial fishery; and

9 (2) either

10 (A) to allow time for the commission to develop regulatory or  
11 legislative proposals to address needs of the fishery that cannot be met under  
12 existing regulations or statutes; or

13 (B) to allow the Department of Fish and Game or the Board of  
14 Fisheries to open a commercial fishery that would otherwise remain closed to  
15 protect a fishery resource from overexploitation resulting from unrestricted  
16 access to the fishery.

17 \* Sec. 3. AS 16.43.225(b) is repealed and reenacted to read:

18 (b) The commission may establish a moratorium under this section in one or  
19 more fisheries or for one or more fishery resources, gear types, or administrative areas  
20 within a fishery.

21 \* Sec. 4. AS 16.43.225(c) is amended to read:

22 (c) The commission may establish a moratorium under this section for a  
23 continuous period of up to four years. The commission may extend the period of a  
24 moratorium for a continuous period of not more than two years if necessary to  
25 achieve a purpose described under (a) of this section. A fishery that has been  
26 subject to a moratorium under this section may not be subjected to a subsequent  
27 moratorium under this section unless five years have elapsed since the previous  
28 moratorium expired.

29 \* Sec. 5. AS 16.43.225(d) is amended to read:

30 (d) While a moratorium is in effect, the commission shall study and evaluate  
31 alternatives for management of entry into the fishery under this chapter

[CONDUCT INVESTIGATIONS TO DETERMINE WHETHER A MAXIMUM NUMBER OF ENTRY PERMITS SHOULD BE ESTABLISHED UNDER AS 16.43.240] by

- (1) conducting research into conditions in the fishery;
- (2) consulting with the Department of Fish and Game and the Board of Fisheries; and
- (3) consulting with participants in the fishery.

\* Sec. 6. AS 16.43.225(e) is amended to read:

(e) The commission shall establish by regulation a qualification date and eligibility criteria [THE QUALIFICATIONS] for applicants for an interim-use permit, vessel permit, or both for a fishery subject to a moratorium under this section. The eligibility criteria for an interim-use permit or vessel permit for a fishery subject to a moratorium under this section [QUALIFICATIONS] must include the minimum requirements for past or present participation and harvest in the fishery as of the qualification date established by the commission. The commission shall issue

(1) an interim-use permit to a person who satisfies the eligibility criteria established under this subsection;

(2) a vessel permit to a person or entity who, as of the qualification date, owns a vessel that satisfies the eligibility criteria established under this subsection for a vessel permit for the fishery [THE COMMISSION MAY NOT ISSUE AN INTERIM-USE PERMIT FOR A FISHERY SUBJECT TO A MORATORIUM UNDER THIS SECTION UNLESS THE APPLICANT CAN SATISFY THE QUALIFICATIONS ESTABLISHED UNDER THIS SUBSECTION AND ESTABLISH THE PRESENT ABILITY AND INTENT TO PARTICIPATE ACTIVELY IN THE FISHERY].

\* Sec. 7. AS 16.43.225 is amended by adding new subsections to read:

(f) If the commission establishes a moratorium under this section for a fishery that involves more than one fishery resource, type of gear, or administrative area, the commission may limit, as the commission determines appropriate, the species of fishery resource that may be harvested, the types of gear that may be used, and the areas where fishing may occur under an interim-use permit or a vessel permit issued

1 for the fishery. The commission shall adopt criteria, as appropriate, for determining  
2 how

3 (1) restrictions on fishery resources, types of gear, and areas fished are  
4 established for individual interim-use permits and vessel permits; and

5 (2) eligibility to take a particular fishery resource, to use a particular  
6 type of gear, or to fish in a particular area is established.

7 (g) If the commission establishes a moratorium on entry of new persons or  
8 vessels into a fishery, the commission may regulate the fishing capacity that may be  
9 employed under an interim-use permit or a vessel permit issued for the fishery. The  
10 commission shall, as appropriate, adopt criteria for determining how restrictions on  
11 fishing capacity are established for interim-use permits and vessel permits. The  
12 criteria may be based on past participation in the fishery. The commission may define  
13 fishing capacity in terms of quantity of fishing gear, fishing vessel size, or other  
14 characteristics determined by the commission to affect the fishing capacity of vessels  
15 employed in the fishery.

16 (h) A vessel permit issued under this section

17 (1) constitutes a use privilege that may be modified or revoked by law  
18 without compensation;

19 (2) may not be

20 (A) transferred to another vessel, person, or entity, except as  
21 provided under (j) of this section;

22 (B) pledged, mortgaged, leased, or encumbered in any way;

23 (C) attached, distrained, or sold on execution of judgment or  
24 under any other process or order of any court;

25 (3) does not alter the requirement for an interim-use permit under  
26 AS 16.43.140 or a vessel license under AS 16.05.490 - 16.05.520.

27 (i) The commission shall establish fees for the issuance and annual renewal of  
28 vessel permits issued under this section. The annual fee for the vessel permit must  
29 reasonably reflect the rate of economic return for the fishery and may not exceed  
30 \$1,000.

31 (j) The commission may, in the regulations establishing a moratorium under

1 this section, provide for

2 (1) the substitution of another vessel for the vessel that is identified on  
3 a vessel permit if the vessel for which the vessel permit was originally issued is sunk,  
4 destroyed, or damaged to the extent that the vessel is unable to operate in the fishery  
5 for which the permit is issued;

6 (2) a vessel permit to be reissued to the new owner of a vessel that is  
7 identified on the vessel permit if the ownership of the vessel changes during the  
8 moratorium;

9 (3) the substitution of a shorter vessel for the vessel identified on a  
10 vessel permit if

11 (A) the Board of Fisheries has adopted a vessel size restriction  
12 that prohibits the use of the vessel identified on the vessel permit in the fishery  
13 for which the vessel permit was issued;

14 (B) the substitute vessel complies with the vessel size  
15 restrictions adopted by the Board of Fisheries for the fishery for which the  
16 vessel permit was issued; and

17 (C) the substitute vessel is owned by the person or entity that  
18 owned the vessel identified on the vessel permit.

19 (k) Unless otherwise provided by law or by a regulation adopted by the  
20 commission, the commission may not consider participation in a fishery by a person or  
21 vessel that occurs during the period of the moratorium in determining eligibility for  
22 fishing privileges under a subsequent limitation on entry or participation in the fishery.

23 (l) Unless the application of a provision of this chapter to an interim-use  
24 permit issued under this section conflicts with this section or the purpose of this  
25 section, an interim-use permit issued under this section is subject to all provisions of  
26 this chapter governing interim-use permits.

27 (m) Nothing in this section limits the powers of the Board of Fisheries or the  
28 Department of Fish and Game.

29 (n) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may  
30 release to the owner of a vessel information on a vessel's history of harvests in a  
31 fishery that is necessary to apply for a vessel permit for the vessel under this section.

1 \* Sec. 8. AS 16.43.260(f) is amended to read:

2 (f) When the commission establishes the maximum number of entry permits  
3 under AS 16.43.240 for a fishery that is subject to a moratorium under AS 16.43.225,  
4 the commission shall establish a qualification date to be used to determine the  
5 priority classification among applicants. Each [AN] applicant for an entry permit  
6 for the fishery shall be assigned to a priority classification based [SOLELY] upon the  
7 applicant's qualifications as of the qualification [EFFECTIVE] date established  
8 under this subsection [OF THE STATUTE OR REGULATION ESTABLISHING  
9 THE MORATORIUM].

10 \* Sec. 9. AS 16.43 is amended by adding a new section to read:

11 Sec. 16.43.908. Moratorium on entry of new participants and vessels in  
12 state Gulf of Alaska groundfish fisheries. (a) For the period January 1, 2005,  
13 through December 31, 2008, a moratorium on entry of new participants and vessels  
14 into the state Gulf of Alaska groundfish fisheries is established. The commission may  
15 by regulation extend the moratorium on entry of new participants and vessels into the  
16 Gulf of Alaska groundfish fisheries for a maximum period of two years until  
17 January 1, 2011, if the commission finds that the extension is necessary to achieve the  
18 purposes of this section.

19 (b) While the moratorium established under this section is in effect, the  
20 commission shall, in cooperation with the Department of Fish and Game and the  
21 Board of Fisheries, conduct investigations to determine appropriate alternatives for  
22 management of entry into Gulf of Alaska groundfish fisheries in the state. The  
23 commission shall submit proposals to the legislature for legislation or constitutional  
24 amendments necessary to implement the recommendations of the commission.

25 (c) While the moratorium established under this section is in effect, a person  
26 may not operate pelagic trawl, non-pelagic trawl, longline, or pot gear, as defined by  
27 the Board of Fisheries, to take groundfish in a state Gulf of Alaska groundfish fishery  
28 unless the person holds an appropriate interim-use permit that has an endorsement  
29 authorizing the permit holder to take groundfish in Gulf of Alaska groundfish fisheries  
30 during the moratorium. A person may not receive an endorsement for the Gulf of  
31 Alaska groundfish fisheries unless the person is determined by the commission to

*if outside  
existing  
authority*

1 have, on or after January 1, 1998, and before the effective date of this section, made a  
2 documented landing of groundfish in a state Gulf of Alaska groundfish fishery. A  
3 person who applies to the commission for a determination of eligibility for an  
4 endorsement under this subsection shall pay a one-time eligibility application  
5 processing fee of \$50. A determination of eligibility for an endorsement under this  
6 subsection is valid for the duration of the moratorium established under this section.  
7 The commission shall issue an appropriate interim-use permit with an endorsement for  
8 Gulf of Alaska groundfish fisheries to each person who is determined eligible to  
9 receive an interim-use permit with an endorsement under this subsection.

10 (d) While the moratorium established by this section is in effect, a commercial  
11 fishing vessel may not use pelagic trawl, non-pelagic trawl, longline, or pot gear, as  
12 defined by the Board of Fisheries, to take groundfish in a state Gulf of Alaska  
13 groundfish fishery unless the commission has issued an annual vessel permit for that  
14 fishery to the vessel. The commission shall issue a separate vessel permit for each  
15 Gulf of Alaska groundfish fishery for which a vessel is eligible to receive a vessel  
16 permit under this subsection upon application by the vessel owner. The commission  
17 may not issue a vessel permit under this subsection unless the vessel has, on or after  
18 January 1, 1998, and before the effective date of this section, made a documented  
19 landing of groundfish in the area using the type of gear for which the vessel permit is  
20 to be issued. A vessel permit must describe the fishery resource, the type of gear, and  
21 the area for which the vessel permit is issued. A vessel permit issued under this  
22 subsection may not be pledged, mortgaged, leased, or encumbered in any way or  
23 attached, distrained, or sold on execution of judgment or under any other process or  
24 order of any court.

25 (e) A vessel permit is valid for the calendar year that is inscribed on the vessel  
26 permit. The annual fee for a vessel permit is

- 27 (1) \$500 for each pelagic trawl fishery or non-pelagic trawl fishery;  
28 (2) \$250 for each pot fishery or longline fishery.

29 (f) While the moratorium established by this section is in effect, the  
30 commission, upon payment of a \$50 vessel permit reissuance fee by the owner of the  
31 vessel,

1 (1) may reissue a vessel permit to another commercial fishing vessel  
2 with an overall length that does not exceed the overall length of a vessel that was sunk,  
3 destroyed, or damaged by more than 10 percent if the commercial fishing vessel that  
4 qualifies for a vessel permit under this section or that is issued a vessel permit under  
5 this section is sunk, destroyed, or damaged, to the extent that the vessel is inoperable  
6 for a state Gulf of Alaska groundfish fishery;

7 (2) may reissue a vessel permit to a shorter vessel that is substituted for  
8 the vessel identified on the vessel permit if

9 (A) the Board of Fisheries has adopted a vessel size restriction  
10 that prohibits the use of the vessel identified on the vessel permit in the fishery  
11 for which the vessel permit was issued;

12 (B) the substitute vessel complies with the vessel size  
13 restrictions adopted by the Board of Fisheries for the fishery for which the  
14 vessel permit was issued; and

15 (C) the substitute vessel is owned by the person or entity that  
16 owned the vessel identified on the vessel permit;

17 (3) shall reissue a vessel permit to the new owner of a vessel if the  
18 ownership of the vessel identified on the vessel permit is transferred and the new  
19 owner of the vessel submits proof of ownership.

20 (g) Notwithstanding other provisions of this section,

21 (1) this section does not prohibit a person from taking groundfish in  
22 the Gulf of Alaska using gear other than pelagic trawl, non-pelagic trawl, longline, or  
23 pot gear if the taking and retention of the groundfish is permitted under regulations  
24 adopted by the Board of Fisheries and the person holds the appropriate interim-use  
25 permit issued under AS 16.43.210;

26 (2) this section does not prohibit the use of a commercial fishing vessel  
27 to take groundfish in the Gulf of Alaska using gear other than pelagic trawl, non-  
28 pelagic trawl, longline, or pot gear if the taking and retention of the groundfish is  
29 permitted under regulations adopted by the Board of Fisheries;

30 (3) an interim-use permit with an endorsement for the Gulf of Alaska  
31 groundfish fisheries issued under this section is not required for a person while that

1 person is participating in the Prince William Sound sablefish fishery or a halibut  
2 fishery managed under a federal individual fishery quota system; however, the person  
3 shall hold an appropriate interim-use permit issued under AS 16.43.210;

4 (4) a vessel permit issued under this section is not required for a vessel  
5 while that vessel is participating in the Prince William Sound sablefish fishery or a  
6 halibut fishery managed under a federal individual fishery quota system.

7 (h) An interim-use permit with an endorsement issued under this section is a  
8 use privilege authorizing the permit holder to engage in the Gulf of Alaska groundfish  
9 fisheries that are opened to commercial fishing by the Board of Fisheries. A vessel  
10 permit issued under this section is a use privilege authorizing the vessel to engage in a  
11 specific groundfish fishery if that fishery is authorized by the Board of Fisheries. The  
12 use privilege conveyed by an interim-use permit with an endorsement or by a vessel  
13 permit issued under this section may be modified or revoked by the legislature without  
14 compensation.

15 (i) Participation of an interim-use permit holder or a vessel in a Gulf of Alaska  
16 groundfish fishery during the moratorium established under this section may not be  
17 used to establish eligibility for a use privilege for a Gulf of Alaska groundfish fishery  
18 that may be authorized after the termination of the moratorium established under this  
19 section.

20 (j) Notwithstanding other provisions of this section, a moratorium on entry of  
21 new participants and vessels into a Gulf of Alaska groundfish fishery listed in (l) of  
22 this section is subject to termination if the commission adopts regulations under  
23 AS 16.43.240, or under law enacted after the effective date of this section, determining  
24 the maximum number of entry permits to be issued for the fishery. The moratorium  
25 established under this section for that Gulf of Alaska groundfish fishery is terminated  
26 on the date of issuance of entry permits for the fishery as determined by regulation by  
27 the commission. On and after the date of issuance of entry permits for the fishery, the  
28 fishery is not subject to this section. Subsection (i) of this section may be superseded  
29 by regulations adopted by the commission under AS 16.43.240 or 16.43.260 or under  
30 law enacted after the effective date of this section authorizing the regulations.

31 (k) The commission may adopt regulations that the commission considers

1 necessary to implement this section.

2 (l) For purposes of this section, the Gulf of Alaska groundfish fisheries are

3 (1) Prince William Sound groundfish non-pelagic trawl fishery;

4 (2) Prince William Sound groundfish pelagic trawl fishery;

5 (3) Prince William Sound groundfish longline fishery;

6 (4) Prince William Sound groundfish pot fishery;

7 (5) Cook Inlet groundfish non-pelagic trawl fishery;

8 (6) Cook Inlet groundfish pelagic trawl fishery;

9 (7) Cook Inlet groundfish longline fishery;

10 (8) Cook Inlet groundfish pot fishery;

11 (9) Kodiak groundfish non-pelagic trawl fishery;

12 (10) Kodiak groundfish pelagic trawl fishery;

13 (11) Kodiak groundfish longline fishery;

14 (12) Kodiak groundfish pot fishery;

15 (13) Chignik groundfish non-pelagic trawl fishery;

16 (14) Chignik groundfish pelagic trawl fishery;

17 (15) Chignik groundfish longline fishery;

18 (16) Chignik groundfish pot fishery;

19 (17) South Alaska Peninsula groundfish non-pelagic trawl fishery;

20 (18) South Alaska Peninsula groundfish pelagic trawl fishery;

21 (19) South Alaska Peninsula groundfish longline fishery;

22 (20) South Alaska Peninsula groundfish pot fishery.

23 (m) In this section,

24 (1) "Chignik" means the marine water of the Chignik groundfish  
25 fishery registration area, as defined by the Board of Fisheries;

26 (2) "Cook Inlet" means the marine water of the Cook Inlet groundfish  
27 fishery registration area, as defined by the Board of Fisheries;

28 (3) "groundfish" means a species of marine finfish other than halibut,  
29 osmerids, herring, or salmonids;

30 (4) "Gulf of Alaska" means the marine water of the state adjacent to  
31 the Gulf of Alaska that is west of the latitude of Cape Suckling to the westward extent

of state water of the Aleutian Islands;

(5) "Gulf of Alaska groundfish fishery" means a fishery in which groundfish are taken in a specified administrative or registration area in the Gulf of Alaska using a specified type of fishing gear that is either pelagic trawl, non-pelagic trawl, pot, or longline gear;

(6) "Kodiak" means the marine water of the Kodiak groundfish fishery registration area, as defined by the Board of Fisheries;

(7) "landing" means the act of offloading for sale, or for transport to a buyer for later sale, or catching and processing of groundfish taken in a halibut or groundfish fishery in state water for sale as evidenced by a Department of Fish and Game fish ticket;

(8) "Prince William Sound" means the marine water of the Prince William Sound groundfish fishery registration area, as defined by the Board of Fisheries;

(9) "South Alaska Peninsula" means the marine water of the South Alaska Peninsula groundfish fishery registration area, as defined by the Board of Fisheries.

\* Sec. 10. AS 16.43.911(c) is amended to read:

(c) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may release to the owner of a vessel information on the vessel's history of harvests in a fishery that is necessary to apply for a vessel permit under AS 16.43.901 - 16.43.908 [AS 16.43.901 - 16.43.906].

\* Sec. 11. The uncoded law of the State of Alaska enacted in sec. 6, ch. 97, SLA 1997, as amended by sec. 6, ch. 30, SLA 2000, is amended to read:

Sec. 6. AS 16.43.906, added by sec. 3 of this Act, is [AND AS 16.43.911 ARE] repealed July 1, 2004.

\* Sec. 12. AS 16.05.050(a)(19), 16.05.251(g); AS 16.43.227, and 16.43.228 are repealed.

\* Sec. 13. The uncoded law of the State of Alaska is amended by adding a new section to read:

CONTINGENT RETROSPECTIVITY. If this Act does not take effect before July 1, 2004, secs. 10 - 11 of this Act are retrospective to June 30, 2004.

- 1 \* Sec. 14. This Act takes effect immediately under AS 01.10.070(c).

To: Sue Aspelund, F&G believe  
Mary McDowell, CFEC  
Sara Gilbertson, F&G  
Cheryl Sutton, B. Stevens.

SB 347 will be heard in House Fisheries on Monday the 29<sup>th</sup>; Rep. Seaton does not plan to move SB 347 on that day. The office received comments from around the state urging scrutiny of the policy of establishing moratoria and limited entry programs based on vessel participation rather than individual participation.

The Chairman would like from the Commission and/or Department information on:

- 1) the number of vessels participating in each state GOA management area. This information should delineate those vessels that participated in multiple areas.
- 2) the restrictions/regulations placed on vessels and/or individuals specific to the different gear types and state management areas, such as vessel size and exclusive and super-exclusive registration.
- 3) the number of vessels with LLPs that have fished in the state fishery, and those with LLPs that have not fished in the state fishery.

## **Existing Statute and Board Regulation Governing Allocation Criteria**

### **5 AAC 39.205. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries**

#### **Statute text**

Before adopting regulations that allocate fish among personal use, sport, and commercial fisheries, the board will, as appropriate to particular allocation decisions, consider factors such as those set out in AS 16.05.251(e).

### **Sec. 16.05.251. Regulations of the Board of Fisheries.**

(a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;

(2) establishing open and closed seasons and areas for the taking of fish; if consistent with resource conservation and development goals, the board may adopt regulations establishing restricted seasons and areas necessary for persons 60 years of age and older to participate in sport, personal use, or subsistence fishing;

(3) setting quotas, bag limits, harvest levels, and sex and size limitations on the taking of fish;

(4) establishing the means and methods employed in the pursuit, capture, and transport of fish;

(5) establishing marking and identification requirements for means used in pursuit, capture, and transport of fish;

(6) classifying as commercial fish, sport fish, guided sport fish, personal use fish, subsistence fish, or predators or other categories essential for regulatory purposes;

(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish;

(8) investigating and determining the extent and effect of disease, predation, and competition among fish in the state, exercising control measures considered necessary to the resources of the state;

(9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;

(10) establishing seasons, areas, quotas, and methods of harvest for aquatic plants;

(11) establishing the times and dates during which the issuance of fishing licenses, permits, and registrations and the transfer of permits and registrations between registration areas is allowed; however, this paragraph does not apply to permits issued or transferred under AS 16.43;

(12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;

(13) requiring, in a fishery, observers on board fishing vessels, as defined in AS 16.05.475(d), that are registered under the laws of the state, as defined in AS 16.05.475(c), after making a written determination that an on-board observer program

(A) is the only practical data-gathering or enforcement mechanism for that fishery;

(B) will not unduly disrupt the fishery;

(C) can be conducted at a reasonable cost; and

(D) can be coordinated with observer programs of other agencies, including the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission:

(14) establishing nonexclusive, exclusive, and superexclusive registration and use areas for regulating commercial fishing;

(15) regulating resident or nonresident sport fishermen as needed for the conservation, development, and utilization of fishery resources;

(16) requiring unlicensed fishing vessels present in or transiting the waters of the state to report to the department the quantity, species, and origin of fish on board; in this paragraph, "unlicensed fishing vessel" means a fishing vessel that is not licensed under AS 16.05.490 - 16.05.530.

(b) [Repealed, Sec. 12 ch 52 SLA 1986].

(c) If the Board of Fisheries denies a petition or proposal to amend, adopt, or repeal a regulation, the board, upon receiving a written request from the sponsor of the petition or proposal, shall in addition to the requirements of AS 44.62.230 provide a written explanation for the denial to the sponsor not later than 30 days after the board has officially met and denied the sponsor's petition or proposal, or 30 days after receiving the request for an explanation, whichever is later.

(d) Regulations adopted under (a) of this section must, consistent with sustained yield and the provisions of AS 16.05.258, provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

**(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as**

**(1) the history of each personal use, sport, guided sport, and commercial fishery;**

**(2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;**

**(3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;**

**(4) the availability of alternative fisheries resources;**

**(5) the importance of each fishery to the economy of the state;**

**(6) the importance of each fishery to the economy of the region and local area in which the fishery is located;**

**(7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.**

(f) Except as expressly provided in AS 16.40.120(e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with a permit issued under AS 16.40.120.

(g) The Board of Fisheries shall consider a request of the commissioner for approval of a petition to the Alaska Commercial Fisheries Entry Commission to establish

a moratorium on new entrants into a commercial fishery under AS 16.43.225 at the board's next regular or special meeting that follows the receipt by the board of the request for approval of the petition and that allows time for the notice required under this subsection. The board may consider the request of the commissioner for approval of the petition only after 15 days' public notice of the board's intention to consider approval of the petition. The board shall consider whether the commissioner, in support of the request for approval of the petition, has adequately shown that the fishery meets requirements for a moratorium on new entrants under AS 16.05.050. The board by a majority vote of its members at the meeting when the petition must be considered shall approve or disapprove the petition.

(h) The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.

## **5 AAC 28.089. Guiding principles for groundfish fishery regulations**

With state groundfish management expanding to cover the groundfish resources in the waters of Alaska, the Board of Fisheries (board) will be receiving regulatory proposals for these fisheries. The board will, to the extent practicable, consider the following guiding principles when taking actions associated with the adoption, amendment, or repeal of regulations regarding groundfish fisheries:

- (1) conservation of the groundfish resource to ensure sustained yield, which requires that the allowable catch in any fishery be based upon the biological abundance of the stock;
- (2) minimization of bycatch of other associated fish and shellfish and prevention of the localized depletion of stocks;
- (3) protection of the habitat and other associated fish and shellfish species from nonsustainable fishing practices;
- (4) maintenance of slower harvest rates by methods and means and time and area restrictions to ensure the adequate reporting and analysis necessary for management of the fishery;
- (5) extension of the length of fishing seasons by methods and means and time and area restrictions to provide for the maximum benefit to the state and to regions and local areas of the state;
- (6) harvest of the resource in a manner that emphasizes the quality and value of the fishery product;
- (7) use of the best available information presented to the board; and
- (8) cooperation with the North Pacific Fishery Management Council (NPFMC) and other federal agencies associated with groundfish fisheries.

**History: Eff. 9/3/97, Register 143**

# DRAFT

## Groundfish Harvests From State Waters Number of Vessels With Landings by Registration Area and Gear With the Number of Vessels Recording Landings in Multiple Areas

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Vessels | Vessels Fishing: |              |                |               |               | Total<br>Vessels<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|--------------------------|------------------|--------------|----------------|---------------|---------------|------------------------------------------|
|                                    |                   |      |                          | One<br>Area      | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                          |
| PWS                                | Non-Pelagic Trawl | 1998 | 11                       | 3                | 5            | 2              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 7                        | 5                | 2            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 2                        | 2                | 0            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 1                        | 1                | 0            | 0              | 0             | 0             | 443                                      |
| PWS                                | Pelagic Trawl     | 1998 | 1                        | 0                | 1            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 2                        | 1                | 1            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 3                        | 2                | 1            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 2                        | 1                | 1            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 3                        | 1                | 1            | 1              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 3                        | 1                | 2            | 0              | 0             | 0             | 387                                      |
| PWS                                | Longline          | 1998 | 87                       | 53               | 31           | 2              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 95                       | 70               | 24           | 1              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 88                       | 66               | 21           | 1              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 91                       | 71               | 15           | 5              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 83                       | 66               | 15           | 2              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 71                       | 56               | 15           | 0              | 0             | 0             | 387                                      |
| PWS                                | Pots              | 1998 | 6                        | 6                | 0            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 4                        | 3                | 1            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 10                       | 7                | 3            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 2                        | 1                | 1            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2003 | 1                        | 1                | 0            | 0              | 0             | 0             | 387                                      |
| Cook In                            | Non-Pelagic Trawl | 1998 | 15                       | 5                | 7            | 2              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 7                        | 5                | 2            | 0              | 0             | 0             | 540                                      |
| Cook In                            | Pelagic Trawl     | 1999 | 5                        | 0                | 5            | 0              | 0             | 0             | 540                                      |
| Cook In                            | Longline          | 1998 | 109                      | 59               | 47           | 2              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 104                      | 68               | 35           | 1              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 80                       | 48               | 32           | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 73                       | 43               | 24           | 6              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 64                       | 36               | 26           | 2              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 51                       | 31               | 19           | 1              | 0             | 0             | 387                                      |
| Cook In                            | Pots              | 1998 | 15                       | 15               | 0            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 25                       | 21               | 4            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 20                       | 15               | 5            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 10                       | 9                | 1            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 10                       | 9                | 1            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 10                       | 10               | 0            | 0              | 0             | 0             | 387                                      |
| Kodiak                             | Non-Pelagic Trawl | 1998 | 30                       | 24               | 4            | 1              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 10                       | 10               | 0            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 15                       | 14               | 1            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 7                        | 7                | 0            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 11                       | 11               | 0            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 6                        | 6                | 0            | 0              | 0             | 0             | 387                                      |

**Groundfish Harvests From State Waters**  
**Number of Vessels With Landings by Registration Area and Gear**  
**With the Number of Vessels Recording Landings in Multiple Areas**

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Vessels | Vessels Fishing: |              |                |               |               | Total<br>Vessels<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|--------------------------|------------------|--------------|----------------|---------------|---------------|------------------------------------------|
|                                    |                   |      |                          | One<br>Area      | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                          |
| Kodiak                             | Pelagic Trawl     | 1998 | 46                       | 38               | 8            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 46                       | 39               | 7            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 17                       | 16               | 1            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 49                       | 39               | 7            | 3              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 37                       | 29               | 7            | 1              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 33                       | 30               | 3            | 0              | 0             | 0             | 387                                      |
| Kodiak                             | Longline          | 1998 | 88                       | 68               | 17           | 2              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 109                      | 92               | 17           | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 145                      | 130              | 14           | 1              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 116                      | 91               | 19           | 6              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 92                       | 73               | 17           | 2              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 104                      | 94               | 9            | 1              | 0             | 0             | 387                                      |
| Kodiak                             | Pots              | 1998 | 55                       | 49               | 6            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 93                       | 87               | 6            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 85                       | 79               | 6            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 45                       | 41               | 4            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 39                       | 38               | 1            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 43                       | 39               | 4            | 0              | 0             | 0             | 387                                      |
| Chignik                            | Non-Pelagic Trawl | 1998 | 1                        | 0                | 1            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 1                        | 1                | 0            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 1                        | 0                | 1            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 1                        | 1                | 0            | 0              | 0             | 0             | 443                                      |
| Chignik                            | Pelagic Trawl     | 1998 | 36                       | 4                | 32           | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 19                       | 0                | 19           | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 2                        | 2                | 0            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 4                        | 0                | 1            | 3              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 22                       | 2                | 19           | 1              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 3                        | 0                | 3            | 0              | 0             | 0             | 387                                      |
| Chignik                            | Longline          | 1998 | 3                        | 3                | 0            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 4                        | 3                | 1            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 6                        | 4                | 2            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 3                        | 2                | 1            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 4                        | 2                | 2            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 8                        | 7                | 0            | 1              | 0             | 0             | 387                                      |
| Chignik                            | Pots              | 1998 | 33                       | 23               | 10           | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 32                       | 25               | 7            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 22                       | 17               | 5            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 16                       | 15               | 1            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 12                       | 12               | 0            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 16                       | 13               | 3            | 0              | 0             | 0             | 387                                      |

**Groundfish Harvests From State Waters**  
**Number of Vessels With Landings by Registration Area and Gear**  
**With the Number of Vessels Recording Landings in Multiple Areas**

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Vessels | Vessels Fishing: |              |                |               |               | Total<br>Vessels<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|--------------------------|------------------|--------------|----------------|---------------|---------------|------------------------------------------|
|                                    |                   |      |                          | One<br>Area      | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                          |
| AK Penn                            | Non-Pelagic Trawl | 1998 | 31                       | 28               | 1            | 1              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 34                       | 34               | 0            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 34                       | 32               | 2            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 22                       | 22               | 0            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 15                       | 15               | 0            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 9                        | 9                | 0            | 0              | 0             | 0             | 387                                      |
| AK Penn                            | Pelagic Trawl     | 1998 | 40                       | 13               | 27           | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 33                       | 15               | 18           | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 29                       | 29               | 0            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 34                       | 24               | 7            | 3              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 27                       | 14               | 13           | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 28                       | 24               | 4            | 0              | 0             | 0             | 387                                      |
| AK Penn                            | Longline          | 1998 | 13                       | 7                | 5            | 0              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 14                       | 10               | 3            | 1              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 13                       | 9                | 3            | 1              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 10                       | 6                | 3            | 1              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 6                        | 4                | 2            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 15                       | 14               | 1            | 0              | 0             | 0             | 387                                      |
| AK Penn                            | Pots              | 1998 | 66                       | 60               | 6            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 68                       | 64               | 4            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 99                       | 96               | 3            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 68                       | 65               | 3            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 58                       | 56               | 2            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 66                       | 59               | 7            | 0              | 0             | 0             | 387                                      |

*Notes:*

1) Source, CFEC 3/25/04; estimates are preliminary.

2) Figures are derived from commercial harvests (product sold) of groundfish from state waters made on longline, pot, and trawl gear.

**Groundfish Harvests From State Waters**  
**Number of Permit Holders With Landings by Registration Area and Gear**  
**With the Number of Permit Holders Recording Landings in Multiple Areas**

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Permit<br>Holders | Permit Holders With Landings in: |              |                |               |               | Total Pmt<br>Holders<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|------------------------------------|----------------------------------|--------------|----------------|---------------|---------------|----------------------------------------------|
|                                    |                   |      |                                    | One<br>Area                      | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                              |
| PWS                                | Non-Pelagic Trawl | 1998 | 11                                 | 3                                | 5            | 2              | 1             | 0             | 582                                          |
|                                    |                   | 1999 | 7                                  | 5                                | 2            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 2                                  | 2                                | 0            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 1                                  | 1                                | 0            | 0              | 0             | 0             | 515                                          |
| PWS                                | Pelagic Trawl     | 1998 | 1                                  | 0                                | 1            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 2                                  | 1                                | 1            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 3                                  | 2                                | 1            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 2                                  | 1                                | 1            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 4                                  | 2                                | 1            | 1              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 5                                  | 3                                | 2            | 0              | 0             | 0             | 478                                          |
| PWS                                | Longline          | 1998 | 109                                | 80                               | 28           | 1              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 123                                | 98                               | 25           | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 113                                | 93                               | 20           | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 121                                | 100                              | 20           | 1              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 103                                | 88                               | 15           | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 111                                | 97                               | 13           | 1              | 0             | 0             | 478                                          |
| PWS                                | Pots              | 1998 | 6                                  | 5                                | 1            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 4                                  | 4                                | 0            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 10                                 | 7                                | 3            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 2                                  | 1                                | 1            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2003 | 2                                  | 2                                | 0            | 0              | 0             | 0             | 478                                          |
| Cook In                            | Non-Pelagic Trawl | 1998 | 15                                 | 5                                | 7            | 2              | 1             | 0             | 582                                          |
|                                    |                   | 1999 | 7                                  | 5                                | 2            | 0              | 0             | 0             | 658                                          |
| Cook In                            | Pelagic Trawl     | 1999 | 5                                  | 1                                | 4            | 0              | 0             | 0             | 658                                          |
| Cook In                            | Longline          | 1998 | 122                                | 76                               | 44           | 2              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 125                                | 87                               | 38           | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 94                                 | 65                               | 29           | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 82                                 | 50                               | 30           | 2              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 72                                 | 48                               | 24           | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 67                                 | 50                               | 15           | 2              | 0             | 0             | 478                                          |
| Cook In                            | Pots              | 1998 | 20                                 | 19                               | 1            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 32                                 | 30                               | 2            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 25                                 | 20                               | 5            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 12                                 | 11                               | 1            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 11                                 | 10                               | 1            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 11                                 | 11                               | 0            | 0              | 0             | 0             | 478                                          |
| Kodiak                             | Non-Pelagic Trawl | 1998 | 33                                 | 27                               | 4            | 1              | 1             | 0             | 582                                          |
|                                    |                   | 1999 | 10                                 | 10                               | 0            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 16                                 | 15                               | 1            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 7                                  | 7                                | 0            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 12                                 | 12                               | 0            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 6                                  | 6                                | 0            | 0              | 0             | 0             | 478                                          |
| Kodiak                             | Pelagic Trawl     | 1998 | 52                                 | 44                               | 8            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 56                                 | 51                               | 5            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 17                                 | 16                               | 1            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 55                                 | 46                               | 6            | 3              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 45                                 | 36                               | 8            | 1              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 36                                 | 33                               | 3            | 0              | 0             | 0             | 478                                          |

**Groundfish Harvests From State Waters**  
**Number of Permit Holders With Landings by Registration Area and Gear**  
**With the Number of Permit Holders Recording Landings in Multiple Areas**

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Permit<br>Holders | Permit Holders With Landings in: |              |                |               |               | Total Pmt<br>Holders<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|------------------------------------|----------------------------------|--------------|----------------|---------------|---------------|----------------------------------------------|
|                                    |                   |      |                                    | One<br>Area                      | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                              |
| Kodiak                             | Longline          | 1998 | 97                                 | 76                               | 19           | 2              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 126                                | 108                              | 18           | 0              | 0             | 0             | 656                                          |
|                                    |                   | 2000 | 152                                | 138                              | 14           | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 122                                | 102                              | 18           | 2              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 96                                 | 83                               | 15           | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 108                                | 99                               | 7            | 2              | 0             | 0             | 478                                          |
| Kodiak                             | Pots              | 1998 | 66                                 | 59                               | 7            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 108                                | 103                              | 5            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 102                                | 97                               | 5            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 54                                 | 50                               | 4            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 44                                 | 43                               | 1            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 54                                 | 50                               | 4            | 0              | 0             | 0             | 478                                          |
| Chignik                            | Non-Pelagic Trawl | 1998 | 1                                  | 0                                | 1            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 1                                  | 1                                | 0            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 1                                  | 0                                | 1            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 1                                  | 1                                | 0            | 0              | 0             | 0             | 515                                          |
| Chignik                            | Pelagic Trawl     | 1998 | 39                                 | 5                                | 34           | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 19                                 | 1                                | 18           | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 2                                  | 2                                | 0            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 4                                  | 0                                | 1            | 3              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 23                                 | 2                                | 20           | 1              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 3                                  | 0                                | 3            | 0              | 0             | 0             | 478                                          |
| Chignik                            | Longline          | 1998 | 3                                  | 3                                | 0            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 4                                  | 3                                | 1            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 6                                  | 4                                | 2            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 3                                  | 2                                | 1            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 4                                  | 2                                | 2            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 9                                  | 8                                | 0            | 1              | 0             | 0             | 478                                          |
| Chignik                            | Pots              | 1998 | 38                                 | 27                               | 11           | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 40                                 | 33                               | 7            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 27                                 | 22                               | 5            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 16                                 | 15                               | 1            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 12                                 | 11                               | 1            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 16                                 | 12                               | 4            | 0              | 0             | 0             | 478                                          |
| AK Penn                            | Non-Pelagic Trawl | 1998 | 31                                 | 28                               | 1            | 1              | 1             | 0             | 582                                          |
|                                    |                   | 1999 | 34                                 | 34                               | 0            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 33                                 | 31                               | 2            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 22                                 | 22                               | 0            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 15                                 | 15                               | 0            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 9                                  | 9                                | 0            | 0              | 0             | 0             | 478                                          |
| AK Penn                            | Pelagic Trawl     | 1998 | 43                                 | 14                               | 29           | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 37                                 | 19                               | 18           | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 30                                 | 30                               | 0            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 33                                 | 24                               | 6            | 3              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 28                                 | 15                               | 13           | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 31                                 | 27                               | 4            | 0              | 0             | 0             | 478                                          |

**Groundfish Harvests From State Waters**  
**Number of Permit Holders With Landings by Registration Area and Gear**  
**With the Number of Permit Holders Recording Landings in Multiple Areas**

| Groundfish<br>Registration<br>Area | Gear<br>Type | Year | Total<br>Area<br>Permit<br>Holders | Permit Holders With Landings in: |              |                |               |               | Total Pmt<br>Holders<br>All GOA<br>All Gears |
|------------------------------------|--------------|------|------------------------------------|----------------------------------|--------------|----------------|---------------|---------------|----------------------------------------------|
|                                    |              |      |                                    | One<br>Area                      | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                              |
| AK Penn                            | Longline     | 1998 | 16                                 | 10                               | 5            | 1              | 0             | 0             | 582                                          |
|                                    |              | 1999 | 15                                 | 13                               | 2            | 0              | 0             | 0             | 658                                          |
|                                    |              | 2000 | 16                                 | 13                               | 3            | 0              | 0             | 0             | 627                                          |
|                                    |              | 2001 | 12                                 | 8                                | 3            | 1              | 0             | 0             | 515                                          |
|                                    |              | 2002 | 6                                  | 4                                | 2            | 0              | 0             | 0             | 440                                          |
|                                    |              | 2003 | 16                                 | 15                               | 1            | 0              | 0             | 0             | 478                                          |
| AK Penn                            | Pots         | 1998 | 78                                 | 72                               | 6            | 0              | 0             | 0             | 582                                          |
|                                    |              | 1999 | 74                                 | 70                               | 4            | 0              | 0             | 0             | 658                                          |
|                                    |              | 2000 | 106                                | 104                              | 2            | 0              | 0             | 0             | 627                                          |
|                                    |              | 2001 | 70                                 | 67                               | 3            | 0              | 0             | 0             | 515                                          |
|                                    |              | 2002 | 64                                 | 61                               | 3            | 0              | 0             | 0             | 440                                          |
|                                    |              | 2003 | 72                                 | 64                               | 8            | 0              | 0             | 0             | 478                                          |

*Notes:*

1) Source, CFEC 3/25/04; estimates are preliminary.

2) Figures are derived from commercial harvests (product sold) of groundfish from state waters made on longline, pot, and trawl gear.

THE  
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ORIGINAL  
COPIES

## AMENDMENT TO CSSB 69 (RES)

### Page 1

Line 7: Change "Board of Fisheries" to "Boards of Fisheries and Marine Pilots".

Line 8: Change "board" to "boards" in 2 places.

Line 9: Add, before period at end of sentence, "or the maritime industry".

### Page 2

Line 10: After "Fisheries", add "or Board of Marine Pilots".

## Changes to SB 347 – Gulf of Alaska Groundfish Moratorium Bill

Page 2 line 26

Add new Paragraph (5)

- (5) In addition to (1) A and B of this section, the following principles shall be followed by CFEC and ADF&G in the development of a long-range plan and in determining any limited-entry fishery subsequently created in any Gulf of Alaska groundfish fishery:
- A) The greatest number of vessels and participants economically viable shall be included;
  - B) Ensuring protection of stable and growing healthy coastal community economies;
  - C) Ensuring the health of coastal community fish processing;
  - D) Protection of stable and growing cannery workers employment;
  - E) The State is not limiting entry just because of federal limitations;
  - F) Permitted participation by participants and vessel in groundfish fisheries during the moratorium shall not be considered for eligibility in any subsequent limited entry GOA groundfish fishery.
  - G) Permits are granted only to individuals and not business organizations

Change vessel to **participant and vessel** throughout bill to achieve Section 9 (below).

### Section 9.

During the moratorium three types of permits will be issued.

All participation by moratorium vessels and participants during the period the moratorium is in place shall not be considered for participation in any subsequent limited entry program for Gulf of Alaska groundfish fisheries.

**'A' Permits.** 'A' permits will be issued to vessel owners and vessel owner participant/operators who qualify for a moratorium permit by their participation during the qualifying years.

1. 'A' permits will only be granted to individuals not business organizations.
2. 'A' permits do not have to fish and may employ B or C Permits holders to operate their vessels
3. 'A' permits are tied to the owners moratorium qualifying vessel
4. 'A' permits may purchase replacement vessels

**'B' Permits** 'B' permits will be issued to participants who had Interim Use Permits during the qualifying years and are not moratorium vessel owners.

1. 'B' permits may purchase moratorium vessels
2. 'B' permits may purchase new vessels under following conditions:
  - a. They are a 51% owner of the vessel
  - b. The vessel is 58 feet or less

**'C' Permits** 'C' permits will be issued to any fisherman who does not hold an 'A' or 'B' permit and operates a vessel owned by an 'A' or 'B' permit holder.

1. No rights shall be based upon participation by a 'C' permit holder during the moratorium.

**Comments:**

This system keeps the status quo and allows folks who have participated in the GOA to retain rights they had during the qualifying years.

- Vessel owners and vessel owner participants are able to hire who they wish and to purchase replacement vessels
- Non-vessel owning participants are able to continue to fish if hired and purchase vessels less than 58' feet long. They will be taking a considerable risk, however, because they will not earn fishing rights under a limited entry system for the moratorium period.

#2

**Page 10, delete lines 22-27 and replace with:**

“this section is subject to termination if the commission adopts regulations establishing a permanent limited access program for the fishery under AS 16.43.240 or under law enacted after the effective date of this section. On or after the effective date of regulations establishing a permanent limited access program for that Gulf of Alaska fishery, the moratorium established under this section for the fishery is terminated and the”



## United Fishermen's Marketing Association, Inc.

P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453

Fax: 907-486-8362



Representative Paul Seaton, Chair  
House Special Committee on Fisheries  
Alaska House of Representatives

April 18, 2004

Re: HSS CSSB 347 (23-LS1677\W)

Dear Representative Seaton,

The United Fishermen's Marketing Association, Inc. (UFMA) is pleased to submit the following comments that address HSS CSSB 347 (23-LS1677\W).

Several UFMA members participate in the harvest of Gulf of Alaska (GOA) groundfish primarily with fixed gear, primarily with pots, but also including hook-and-line and jig gear, and with vessels over and under 60 feet in length. UFMA members are impacted by the provisions and effects of SB 347, and the manner in which SB 347 addresses the alignment of federal and state management regimes with respect to the federal initiative to rationalize the GOA groundfish fishery.

UFMA generally supports the vessel moratorium provisions of SB 347 [CSSB 347(RES)] as passed by the Alaska Senate on March 19, 2004, and transmitted to the Alaska House of Representatives on March 22, 2004.

I am a member of the Alaska Board of Fisheries GOA Groundfish Rationalization Committee. UFMA compliments the Alaska Board of Fisheries for their vision and foresight in establishing the GOA Groundfish Rationalization Committee. As the Board considers the complex dimensions of the federal initiative to rationalize the GOA groundfish fisheries, and the associated impacts on the rights and participation of Alaska-resident GOA groundfish stakeholders, this committee has represented a reasonable and desirable mechanism to incorporate relevant expertise and comment from a broad cross-section of individuals. We sincerely appreciate that the Board has invested such significant time and attention toward considering issues that are associated with the jurisdiction of the State of Alaska, and the standing of its residents, with respect to the issue of GOA groundfish rationalization.

Current Alaska statutes and regulations that address the development and implementation of a moratorium by the Board and the Commercial Fisheries Entry Commission (CFEC) do not provide the necessary tools, processes or mechanisms to achieve a vessel moratorium in state waters that is central to the coordination with the federal initiative to rationalize the GOA groundfish fishery, and to the accommodation of the interests and standing of Alaska-resident GOA groundfish stakeholders in that rationalization initiative. Reasonable coordination of the state and federal management regimes for GOA groundfish, especially with respect to GOA groundfish rationalization, is absolutely necessary if the interests of Alaska-resident stakeholders are to be protected, and if the economic and social benefits to the State of Alaska are to be maximized through participation in this fishery.

The House Special Committee on Fisheries has significantly modified SB 347 as it was passed by the Alaska Senate by adding provisions in HSS CSSB 347 (23-LS1677\W) that establish a moratorium on the entry of new participants, in addition to a moratorium on vessels. These provisions are not essential to achieving the objectives that were considered and recommended by the Alaska Board of Fisheries GOA Groundfish Rationalization Committee, subsequently adopted in large part by the

Representative Paul Seaton

SB 347

April 18, 2004; Page 2/2

Board in official Findings (Finding# 2004 - FB - 228; 022304), generally supported by the Alaska Department of Fish and Game (ADF&G), generally supported by the Commercial Fisheries Entry Commission (CFEC), and passed by the Alaska Senate. Additionally, although the Senate passed SB 347 on March 19, these new provisions appeared only on Wednesday, April 14, and it is difficult to enlighten effected stakeholders with respect to these changes, and, more importantly, to provide such stakeholders with the opportunity to consider and communicate the effects that such changes may have on their fishing businesses.

These provisions introduce a concept that attempts to address complex social and economic objectives that are not practically associated with the immediate needs of the State of Alaska with respect to the challenges and objectives that gave rise to SB 347. These provisions are unnecessary, do not enhance the effectiveness of a vessel moratorium, and will result in operational impacts, ramifications, complications and costs for Alaska-resident vessel owners, operators, and crewpersons who work on these vessels, including safety-related concerns. These provisions create a closed class of vessel operators, and will limit the ability of crewpersons to advance from the deck to the wheelhouse. What objective or purpose is achieved by the imposition of a moratorium on participants? What benefits are provided to the beneficiaries of this provision? What are the benefits and offsetting costs that result from the addition of this provision?

We understand that there may be some concern on behalf of the House Special Committee on Fisheries that the vessel moratorium as envisioned in SB 347 may offer opportunities that encourage the migration of ownership of GOA groundfish vessels and individual GOA groundfish harvesting rights from individual harvesters to processing entities. While this is a valid concern, SB 347 appears to place prohibitions on this possibility. While we have no immediate suggestion with respect to how to further enhance the provisions of SB 347 that appear to prohibit this transfer of vessels and/or harvesting rights to processing entities, it may be worthwhile to further clarify this intent; further clarification of this issue does not appear to be of such difficulty as to delay passage of SB 347.

The provisions of SB 347 as passed by the Alaska Senate are of immediate necessity if Alaska-resident harvesters are to achieve reasonable protection and standing with respect to the federal initiative to rationalize GOA groundfish. We encourage the House Special Committee on Fisheries to work with all possible haste to enable the passage of SB 347 in the form that was presented to you by the Alaska Senate. Nevertheless, we accede to the provisors of HSS CSSB 347 (23-LS1677\W) so that the root objectives of a vessel moratorium can be passed by the Alaska Legislature. Therefore, we respectfully request that the House Special Committee on Fisheries pass SB 347 out of committee, and that you act to ensure that SB 347 will achieve passage by the Alaska House of Representatives, concurrence from the Alaska Senate, and be signed by the Governor, at the earliest possible moment.

Thank you for your consideration of our interests and comments with respect to this matter.

Sincerely,



Jeffrey R. Stephan

23-LS1908VA  
Utermohle  
4/2/04

**HOUSE CONCURRENT RESOLUTION NO.**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY**

**Introduced:**  
**Referred:**

**A RESOLUTION**

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**  
2 **Legislature, concerning Senate Bill No. 347, relating to moratoria on entry into**  
3 **commercial fisheries and into the Gulf of Alaska groundfish fisheries.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5       That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of  
6 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding  
7 changes to the title of a bill, are suspended in consideration of Senate Bill No. 347, relating to  
8 moratoria on entry into commercial fisheries and into the Gulf of Alaska groundfish fisheries.

**Conceptual Amendment: # 1**

**Work Draft SB 347\W**

**INTENT:** The purpose of this amendment is to strengthen the goal of the moratorium, which is to guard against a sudden increase in fishing effort in the state Gulf of Alaska groundfish fishery. SB 347\W, states that the Commercial Fishing Entry Commission (CFEC) **MAY NOT** base future permanent limited entry program qualifications in this fishery on participation during the moratorium years set out in this act (Jan. 1, 2005—Jan. 1, 2011), **UNLESS OTHERWISE PROVIDED BY LAW OR REGULATION.** This amendment deletes CFEC's ability to adopt future regulations counting moratorium years when establishing a permanent limited entry fishery for the Gulf of Alaska groundfish fishery. If fishermen believe participation during the moratorium years may count toward future fishing privileges, they would have an incentive to increase their fishing effort.

**Page 6, line 19;**

(k) [Unless otherwise provided by law or by a regulation adopted by the commission, the,] The commission may not consider participation in a fishery by a person that occurs during the period of the moratorium in determining eligibility for fishing privileges under a [subsequent] limitation on entry or participation in the fishery that is immediately subsequent and directly related to the moratorium set out in this act.

**Page 10, line 15;**

(i) Participation of an interim-use permit holder or a vessel in a Gulf of Alaska groundfish fishery during the moratorium established under this section may not be used to establish eligibility for a use privilege for a Gulf of Alaska groundfish fishery that may be authorized immediately after the termination of the moratorium authorized under this section.

page 10,

- delete last sentence of  
subsection (j).

# **Rationale for Limiting Entry in the Bering Sea Hair Crab Fishery**

Commercial Fisheries Entry Commission  
March 25, 2004

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## Background

On December 22, 1995 the Commercial Fisheries Entry Commission (CFEC or commission) received a petition, signed by Joseph Wabey and 11 other persons, requesting limited entry in the Bering Sea hair crab fishery.<sup>1</sup> The petition noted a sharp increase in the number of hair crab vessels that participated in the 1995 season. The petitioners claim this caused a shorter season, with more gear conflicts and higher amounts of wastage due to lost and tangled gear. The petitioners also expressed concern that spillover from other Bering Sea fisheries - which had been placed under restricted access in the Federal fisheries rationalization process - could impact the hair crab fishery, adding even more vessels in future years and complicating conservative management of hair crab. The petition indicated the hair crab fishery was not included in a federal fishery management plan, and therefore was not subject to a federal restricted access program. Shortly after receiving the first petition, CFEC received a second one from David Hillstrand, who also requested limited entry in the fishery.

By law, the commission must respond to petitions within 30 days of receiving them. The law requires the commission to either propose regulations to limit the fishery and schedule public hearings, or deny the petition in writing. On January 22, 1996, the commission sent letters denying both hair crab petitions, but also directed the CFEC Research Section to provide more information to help them determine if limited entry would be appropriate for the fishery.

Research into patterns of hair crab participation indicated that limiting the fishery under the state's traditional program would be problematic. Many vessels had been operated by more than one person, so the total number of permit holders with landings greatly exceeded the actual number of units of gear in the fishery. Under Alaska's traditional limited entry program, CFEC must award permits only to individuals (permit holders) with a history of landings in the fishery. Eligible applicants for permits must be ranked based upon the relative hardship they would receive if they are denied a permit. This hardship ranking system, or "point system", ultimately determines which individuals will be issued permits. As explained later in this document, because of the high number of persons who would be eligible to apply for permits in the hair crab fishery, and the difficulty in distinguishing between their respective standings in a point system, limitation under the person-based program would likely have resulted in fishing effort increasing even after limited entry was implemented, diminishing the benefits and statutory purposes of the program.

In the mid-1990's, several representatives from the hair crab fleet began to pursue legislation that could address this situation by allowing CFEC to issue permits that are tied to vessels rather than persons. Because this added flexibility could be useful for managing not only the hair crab fishery but for managing other fisheries as well, CFEC supported their efforts. For similar reasons, the Alaska Department of Fish and Game (ADFG or Department) also supported the proposed legislation.

However, there was a risk associated with allowing the hair crab fishery to remain under open access while a vessel-based program was analyzed, debated, and potentially passed by the legislature: more boats could enter the fishery during the interim, adding to the existing conservation and economic problems. Recognizing this potential problem, in 1996 the legislature passed a bill establishing a temporary moratorium for new vessels in the hair crab fishery. The moratorium went into effect on July

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<sup>1</sup> See Appendix I for copies of two petitions sent to CFEC requesting limited entry in the Bering Sea hair crab fishery.

4, 1996 and was scheduled to expire on June 30, 2000.<sup>2</sup> Only vessels that made legal hair crab landings in the directed Bering Sea hair crab fishery from 1993 to 1995 were eligible for permits to fish during the moratorium. The legislature also directed CFEC to draft legislation that would give CFEC the authority to implement programs for vessel-based limited entry if such programs could fulfill the commission's statutory duties.

As directed, CFEC drafted vessel permit legislation. The proposed bill was introduced and referred to the Senate Resources Committee in 1999 as Senate Bill 143. No hearings were scheduled for the bill: it stayed in the Resources Committee and the legislature took no action on the bill. In 2000, CFEC again asked for the bill to be scheduled for consideration, but again it did not leave the committee. At the end of the 2000 session, SB 143 died.

During the 2000 session, when it became apparent there was a risk that legislation for a vessel permit program would not pass, fishermen requested an extension of the hair crab vessel moratorium. This required new legislation, which was introduced as House Bill 429. The bill extended the moratorium until July, 2003. It was passed at the end of the 2000 legislative session and signed into law.<sup>3</sup>

In 2002, CFEC again provided a bill to the legislature to authorize a vessel-based limited entry program. The legislation was introduced as House Bill 206. Like the bill introduced in 1999, this was a generic vessel permit bill, authorizing CFEC to implement a vessel-based program only in fisheries where vessel permits would be more effective than the traditional program. However, the bill was significantly amended in the House Resources Committee to allow CFEC to use this authority only in the Bering Sea hair crab and weathervane scallop fisheries. The amended bill passed the state House and was sent to the Senate Resources Committee. After passing through the Senate Resources and Judiciary committees, the bill was amended on the Senate floor to add a sunset provision specifying that the law expires on December 30, 2008.<sup>4</sup>

### CFEC Research

Between 1996 and 2002, the CFEC Research Section provided the commission with several informational memos and a confidential briefing report on the Bering Sea hair crab fishery.<sup>5</sup> Both the memos and the briefing report documented harvest, participation, and earnings data. Vessel participation during both pre- and post-moratorium years were included. The reports discussed the regulatory history and management of the fishery, basing much of the information on interviews with Alaska Department of Fish and Game shellfish management biologists. The reports also explored some of the implications of limiting the fishery with a vessel-based permit system, and offered some possible options CFEC could consider for ranking qualified vessels.

On January 31, 2003, CFEC sent a memo to ADFG Commissioner Kevin Duffy, asking specific questions about the hair crab fishery. Among the most important questions were ADFG's views on the status of hair crab populations and their opinions on the fleet's fishing capacity under different scenarios. ADFG was also asked about management options with or without limited entry.

<sup>2</sup> See Section 3, ch. 126, SLA 1996.

<sup>3</sup> See Section 1, ch. 30, SLA 2000.

<sup>4</sup> See Section 2, ch. 137, SLA 2002.

<sup>5</sup> The confidential briefing report was issued as CFEC Report 02-3C: October, 2002.

Commissioner Duffy responded with a memo issued on February 26, 2003.<sup>6</sup> He indicated the Department would have concerns if the number of vessels exceeded historically high levels. These concerns were directly related to the relatively undeveloped regulatory nature of the fishery. (As of this writing, there is still no regulatory management plan and no limits on the amount of gear that can be fished.) Commissioner Duffy also mentioned Department concerns for the effects of spillover effort from boats displaced by the newly rationalized Bering Sea Tanner and king crab fisheries. The Department felt that from a management and resource conservation perspective, the historic high of 21 vessels was the highest number they considered manageable in the hair crab fishery.

### **The Proposed and Adopted Regulations**

On February 14, 2003, CFEC issued a notice of proposed regulation changes to establish a vessel permit limited entry system for the Bering Sea hair crab pot fishery.<sup>7</sup> The notice invited public comment on the regulations and established a comment period from February 14 through April 2, 2003. The notice also announced public hearings on the regulations, which were held on March 4 and March 11, 2003 in the CFEC conference room. Individuals could attend the hearings personally or could participate by teleconference. No one attended or participated at the March 4 hearing. On March 11, one individual attended the hearing in person; 9 others dialed in telephonically. All 10 persons testified. The commission also received approximately 7 letters or emails during the comment period that were entered into the record.

Principal elements of the proposed regulations included:

- Limitation of the Bering Sea hair crab fishery with vessel permits issued to vessel owners.
- A qualification date of July 1, 2003.
- To qualify for a permit, a vessel must have participated in at least 1 year from 1993 through 1995, and 1 year from 1996 through 2002.
- No vessel owner may hold an ownership interest in more than 2 vessel permits, unless the ownership existed at initial issuance.
- Permanent substitution of vessels is allowed, but the substitute vessel may not exceed the overall length of the original qualifying vessel.
- The Bering Sea administrative area corresponds to the waters of ADFG's Bering Sea management district for hair crab, except for waters within five miles from the shores of the Pribilof Islands.

After reviewing and considering all comments, on June 5, 2003 the commission held a scheduled public meeting. At this meeting, the commission could either adopt the regulations as proposed, or adopt an amended form of the regulations, or take no action. The commission voted unanimously to accept several amendments to the original proposal and to adopt the regulations as amended. Some of the amendments tightened portions of the language and definitions.<sup>8</sup> Additionally, the proposed qualification date was removed because the state's attorneys advised it was unnecessary; they advised

<sup>6</sup> See Appendix II: Memo from ADFG Commissioner Kevin Duffy to CFEC: "Response to CFEC Information Request". The memo contains CFEC's original questions, followed by Commissioner Duffy's responses.

<sup>7</sup> See Appendix III: February 14 Notice of Proposed Changes to Regulations, and Appendix IV: Proposed Regulations.

<sup>8</sup> See adopted regulations: 20 AAC 05.1400; 05.1407; 05.1408 (a); and 05.1420 (4), (6), and (7).

that the qualification regulations setting out specific dates of vessel ownership - which the proposal already contained - would be sufficient to determine which vessel owners were eligible to apply for vessel permits.<sup>9</sup> The definition of the Bering Sea administrative area was also amended, which was a suggestion made by the public; the area continues to correspond to the waters of ADFG's Bering Sea management district, except *all* waters beyond five miles from shore are excluded.<sup>10</sup> And finally, also in response to public comment, the rules for qualifying for a limited entry permit were amended; the adopted regulations added provisions allowing vessels that participated in at least two calendar years between 1993 and 1995 to qualify for a permit.<sup>11</sup>

### **Rationale: Choosing Between the Traditional Person-Based Program and a Vessel Permit Program.**

The commission had two approaches available to limit the Bering Sea Hair crab pot fishery: using the new statutory authority to issue vessel permits to the owners of qualified vessels, or using the traditional program under which permits are issued to persons who have recorded landings in the fishery (skippers).

\* The commission proposed a vessel-based limited entry program for this fishery for several reasons. First, the vessel permit program will achieve the purposes of limited entry in a more efficient manner than a person-based permit program, largely because the number of vessels with landings is considerably less than the number of persons who recorded landings, and fewer permits are likely to be issued under the vessel-based system - particularly during the adjudications period.<sup>12</sup> As explained in detail below, the ability to quickly issue final permits and avoid the lengthy process of adjudicating appealed applications and establishing the final ranking of applicants that characterizes the traditional person-based program, may help re-open the hair crab fishery - which has been closed for conservation reasons since 2000 - and may help to avoid future closures of the fishery. Diminishing the risk of a full fishery closure is consistent with the goal of avoiding economic distress among those dependent upon the fishery, which is one of the constitutionally specified purposes of limited entry. Second, a vessel-based permit program in the hair crab fishery is similar to the federal license limitation program for other Bering Sea crab species, thereby achieving consistency between state and federal programs and helping the state to retain control of the fishery. And finally, the commission believes a vessel-based permit program is the least disruptive of the two programs; it does a better job of preserving the character of the fishery and the place of all participants in the fishery - for vessel owners, skippers, and crewmen. If vessel permits are issued to vessel owners, qualifying operations can continue to fish in the same manner as they did in the open access and moratorium years.

#### **a. Numbers of Permits**

Under the traditional person-based limited entry system, statutes require CFEC to set a maximum number of permits to be issued, and to establish a qualification date of January 1 of the year in which the maximum number is adopted. In the traditional program, CFEC issues permits to individuals who have

<sup>9</sup> See adopted regulations 20 AAC 05.1407.

<sup>10</sup> See adopted regulations 20 AAC 05.230 (a)(11) and 05.1420 (1).

<sup>11</sup> See adopted regulations 20 AAC 05.1408.

<sup>12</sup> See AS 16.43.010: *Purpose and findings of fact: (a) It is the purpose of this chapter to promote the conservation and the sustained yield management of Alaska's fishery resource and the economic health and stability of commercial fishing in Alaska by regulating and controlling entry into the commercial fisheries in the public interest and without unjust discrimination.*

recorded legal landings on interim-use permits (IUP) in the fishery. All those who have made legal landings at any time during the qualifying period (usually the four years leading up to the limitation) are eligible to apply. Because the maximum number is usually smaller than the number of persons who are eligible to apply for a permit, CFEC must develop a hardship ranking system ("point system") to determine who will be issued the limited number of permits. Applicants are ranked in descending order based upon the relative hardship they would suffer if they were denied a permit. By law, the ranking system must contain a reasonable balance of measures for past participation and economic dependence. Permits are then issued to the highest ranked persons in descending order until the maximum number is reached. Until an individual's final ranking is determined, they are allowed to continue to fish with an interim-use permit.

However, in some situations where there are special circumstances or conflicting evidence, individuals need to verify their point claims through an adjudications process. This process can be time consuming, often taking many years. Because the outcome of these adjudications can affect the ranking of other individuals, it may be years before the final point system rankings are made; meanwhile, persons continue to participate in the fishery with IUP's.

Under the current law, if CFEC adopted a person-based limited entry program in the hair crab fishery in 2003, the qualification date would be January 1, 2003. However, the history of the hair crab fishery makes it somewhat unclear what the maximum number would be, and which qualifying years would be used for persons claiming participation in the fishery.

Under state statute and an Alaska Supreme court decision governing maximum numbers, the maximum number must be no less than the highest number of units of gear that have participated in the fishery in any of four years prior to the qualification date.<sup>13</sup> "Units of gear" can be determined by counting either the number of permit holders with landings, the number of vessels with landings, or a combination of the two. However, there has been no hair crab fishery since 2000, and the fishery has operated under a temporary moratorium since 1996. It is unclear if the maximum number would be determined from participation that occurred in the immediate four years prior to the January 1, 2003 qualification date, or the four years from 1997 through 2000 (the last four years in which there was a fishery), or from the four-year period prior to the 1996 moratorium. Similarly, it is uncertain which qualifying years should be used to rank applicants in a point system. However, the commission believes it would be compelled to establish the maximum number under the traditional program based on participation that occurred in the open access years prior to the moratorium, before participation was restricted.<sup>14</sup> Similarly, the qualifying years used to rank applicants would likely include all years back to 1993. Again, these determinations would need to be made only if limitation were to be implemented under the traditional program, where permits are linked to persons.

<sup>13</sup> See *Rutter v. State* 668 P.2d 1343 (Alaska 1983) and *Johns v. Commercial Fisheries Entry Commission*, 758 P.2d 1255 (Alaska 1980).

<sup>14</sup> In a similar situation, CFEC limited the Southeast Alaska geoduck, sea urchin, sea cucumber, and abalone dive fisheries after a moratorium had been in place for several years. The maximum numbers for the fisheries were based upon participation that occurred in the four years immediately preceding the moratorium.

| Table 1. Permit Holders and Vessels With Legal Landings<br>In the Directed Bering Sea Hair Crab Fishery |                            |                  |
|---------------------------------------------------------------------------------------------------------|----------------------------|------------------|
| Year                                                                                                    | Total<br>Permit<br>Holders | Total<br>Vessels |
| 2000                                                                                                    | 3                          | 3                |
| 1999                                                                                                    | 9                          | 8                |
| 1998                                                                                                    | 12                         | 12               |
| 1997                                                                                                    | 18                         | 16               |
| 1996                                                                                                    | 20                         | 19               |
| 1995                                                                                                    | 25                         | 21               |
| 1994                                                                                                    | 12                         | 9                |
| 1993                                                                                                    | 17                         | 12               |

*Note: Moratorium years are shaded*

| Table 2. Cumulative Number of Permit<br>Holders With Legal Landings in the<br>Directed Bering Sea Hair Crab Fishery |                                     |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Year                                                                                                                | Cumulative<br>Unique<br>Individuals |
| 2000                                                                                                                | 3                                   |
| 1999                                                                                                                | 9                                   |
| 1998                                                                                                                | 14                                  |
| 1997                                                                                                                | 22                                  |
| 1996                                                                                                                | 29                                  |
| 1995                                                                                                                | 37                                  |
| 1994                                                                                                                | 39                                  |
| 1993                                                                                                                | 47                                  |

*Note: Moratorium years are shaded*

Using these assumptions for the maximum number and qualifying years, the maximum number would be at least 25 or 21, or some combination of these two figures (see Table 1, showing the number of permit holders and vessels with legal landings in 1995). CFEC estimates 47 individuals made legal landings in the hair crab fishery over the 1993 to 2000 period (Table 2.) Each of these persons would be eligible to apply for a limited entry permit, and each would be eligible to fish with an interim-use permit until their final ranking was established. Note the highest number of vessels in any year of the fishery was 21, yet with a person-based program each of the 47 applicants would be able to fish a separate unit of gear until final point system rankings and issuance levels of permits are determined.

In contrast, under the vessel-based permit system, CFEC does not have to call out a maximum number or establish a point system; vessel-based permits are issued based upon qualifications specified in the regulations. The regulations used to determine qualified vessels in the hair crab fishery are quite simple and the commission anticipates an application process will proceed relatively quickly. Under the adopted regulations, it is estimated that 19 vessel-based permits will be issued.<sup>13</sup> The commission expects to see about 25 applications for these permits (25 vessels were qualified to fish under the moratorium).

Because the number of potential applicants is much less under the proposed regulations than under a traditional permit system, the commission believes the vessel-based proposal will more directly and efficiently achieve the purposes of limited entry by holding the number of fishing operations to a more reasonable level.

#### **b. Consistency With Federal Laws**

When the legislature authorized the vessel permit law, an important consideration was to help achieve consistency between federal and state laws and to facilitate management and enforcement of the fisheries. The law also specifically mentions the goal of allowing the state to retain or gain management

<sup>13</sup> To qualify for a limited entry permit under the adopted regulations, a vessel must have recorded a legal landing(s) in the directed fishery in either: 1) at least one year during the period from 1993 through 1995 and one year from the period 1996 through 2002; or, 2) any two years from 1993 through 1995.

of a fishery.<sup>16</sup> Since January 1, 2000, the Bering Sea and Aleutian Islands king and Tanner crab fisheries have been managed under a federal fisheries management plan (FMP) that includes a vessel license limitation program.<sup>17</sup> Although the hair crab fishery is not part of the Bering Sea crab FMP, one option the CFEC petitioners considered was to attempt to include it in the FMP. If this was successful, it is likely hair crab would have been managed similar to king and Tanner crab in the Bering Sea: the FMP would defer management to the Alaska Department of Fish and Game, but any management actions involving limited entry would be retained by the federal government through the North Pacific Management Council (NPFMC) and the National Marine Fisheries Service (NMFS).

The limitation regulations proposed by CFEC are similar to the federal license limitation program. Federal licenses are issued to persons<sup>18</sup> who own the fishing histories of qualifying vessels. The federal licenses are linked to vessels; each license has endorsements which specify which area and for which crab species the permitted vessel may fish. The similarity between the state and federal programs achieves some of the statutory goals of the state's vessel permit program. It should facilitate the operation of vessels in the Bering Sea, and make management and enforcement more straightforward. It should also allow the State of Alaska to retain full control of the hair crab fishery, for both inseason management and access purposes.

#### c. Use of a Vessel-based Limitation Program

During the public comment period CFEC specifically invited comment on the question of using the vessel-based program for limitation of the hair crab fishery. The commission sent the announcement of the proposed regulations, the public comment period, and the public hearings to every person who had held an interim-use permit to participate in the fishery as a skipper during the preceding 10 years, as well as to owners of the vessels that had participated during those years.

Several people testified against the CFEC proposal to limit the hair crab fishery because it would award permits to vessel owners. They testified they were philosophically opposed to this action; that it was wrong to grant use-privileges to vessel owners who – under the proposal – could be corporations or other entities. They indicated that corporate ownership of limited entry permits did not serve fishing communities or the state of Alaska because profits from the fishery are too often accumulated by absentee vessel owners. They claimed profession hired skippers would be short-changed under the proposal. They felt limited entry permits should be granted only to individuals who operated vessels and recorded landings on CFEC interim-use permits. (Only one of those who commented in opposition to the use of the vessel permit approach has participated in the hair crab fishery.)

The new law authorizes CFEC to issue vessel permits to vessel owners, which may be either natural persons or entities. The proposed regulations defined an entity as: *"a corporation, company, partnership, firm, association, organization, joint venture, trust, society, or other legal entity other than a natural person."*

Issuing vessel permits to vessel owners is a departure from the state's traditional person-based approach to limited entry, and therefore raises concerns. However, the vessel-based program was designed in

<sup>16</sup> See 16.43.450 (a)(3)(B) and 16.43.450 (b).

<sup>17</sup> See 50 CFR 679.4 (k).

<sup>18</sup> A "person" in the LLP is defined as an individual (natural person), a corporation, partnership, association, or other entity. See 50 CFR 679.2.

recognition of the differences between the traditional owner/operator fishing operation - which is characteristic of Alaska's salmon, herring, and other small-boat fisheries in state waters, and is the model upon which the person-based limited entry program is designed - and the Bering Sea hair crab fishery, which is characterized by larger boats that fish far offshore. Ownership and participation patterns in this fishery are quite different from those in the typical owner-operator fisheries and warrant consideration in this limitation.

In the Bering Sea hair crab fishery, the majority of the hair crab vessels appear to be owned by corporations or partnerships, unlike nearshore, small-boat fleets such as salmon, which are characteristically owned by a single individual fishing as an owner/operator. In their comments to the commission, some hair crab vessel owners testified that their skippers (vessel operators with IUP's) held an ownership interest in the vessel; others testified their skippers were hired as a highly skilled and valuable crewman, receiving a share of the vessel's landings as payment, and having little or no ownership interest in the vessels or gear. In either case, it is relatively common for multiple skippers to record landings from a single vessel. Some of those interim-use permit holders may hold an ownership interest in the boat, and others may not.

The commission believes that for this particular fishery, the vessel permit system is more fair and more effectively preserves the character of the fleet, which in turn provides less economic distress and the least amount of disruption to *all* the fishery's participants - be they vessel owners, hired skippers, or crewmen. Under the proposal, persons from qualifying vessels can continue to participate in the same manner as they did before limited entry. This holds true for both owner/operator and corporate vessels. Furthermore, issuing vessel permits to vessel owners acknowledges that persons - and also in this case, entities - who own participating vessels will suffer a greater amount of hardship if denied a permit than persons who don't own a participating vessel.

#### **d. Ownership Constraints**

With regard to the distribution of benefits from the fishery, the commission also proposed and adopted regulations that constrain the ownership of vessel permits. The regulations are very stringent: no person or entity may acquire any ownership whatsoever in more than two vessels. These regulations are consistent with the vessel permit law, which requires the commission to adopt regulations limiting the number of vessel permits that may be held, thereby preventing excessive concentration of ownership of vessel permits.<sup>19</sup> No opposition to this tight ownership constraint was expressed in public comment. The commission remains committed to the important goal of the limited entry program of widely dispersing the benefits of fisheries while still allowing individual operations to prosper, and believes these regulations, combined with other regulations adopted for the hair crab fishery, will help accomplish those goals.

#### **The Qualification Date and Qualifying Requirements**

The commission proposed a qualification date of July 1, 2003, which corresponded with the expiration of the Bering Sea hair crab vessel moratorium. Initially, the commission believed this regulation was necessary to avoid having a lag period between the time the moratorium expired and when limited entry

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<sup>19</sup> See AS 16.43.450 (e).

Rep. Dan Ogg  
SB 347 23-LS1677\X and \U

Conceptual Amendment to Version \X

Page 3 line 5  
Add new paragraph (d)

- (d) It is the intent of the legislature that the following principles shall be utilized by CFEC and ADF&G in the development of a long range plan and determining any limited entry fishery subsequently created in any Gulf of Alaska ground fishery:
- (1) The greatest number of vessels and participants economically viable shall be included;
  - (2) Protection of stable and growing healthy coastal community economies;
  - (3) Ensuring the health of coastal community fish processing;
  - (4) Protection of stable and growing cannery workers employment;
  - (5) Limited entry permits are issued to individuals and not business organizations;
  - (6) The State is not limiting entry just because of federal limitations;
  - (7) Permitted participation by participants and vessel in ground fisheries during the moratorium shall not be considered for eligibility in any subsequent Limited Entry GOA ground fishery; and
  - (8) That state policies and not federal policies govern any resulting limited entry program for state GOA ground fisheries.

1A

Conceptual Amendment #

SB 347 Version "X"

Rep. Ogg 4/21/04

Page 11, Delete lines 2—4.

Rep. Dan Ogg  
SB 347 23-LS1677\X and \U

1B

Amendment to Version \X

Page 8, line ~~7~~ 6 delete 1998, insert 2000

Page 8, line 23 delete 1998, insert 2000

**Conceptual Amendment: # 1**

**Work Draft SB 347 \ U**

**Page 3, line 21;**

Delete "four years" and insert "one year".

**Page 3, line 22;**

Delete "two years" and insert "one year".

**Page 7, line 3;**

Delete "2008" and insert "2005".

**Page 7, line 15;**

Delete subsection (f).

# PRELIMINARY DATA

## Groundfish Harvests From State Waters Number of Unique Permit Holders and Vessels With Landings Over Given Time Periods

| Area       | Gear Type     | 1998 - 2003                 |                      | 1999 - 2003                 |                      | 2000 - 2003                 |                      | 2001 - 2003                 |                      | 2002 - 2003                 |                      | 2003                        |                      |
|------------|---------------|-----------------------------|----------------------|-----------------------------|----------------------|-----------------------------|----------------------|-----------------------------|----------------------|-----------------------------|----------------------|-----------------------------|----------------------|
|            |               | Total Unique Permit Holders | Total Unique Vessels | Total Unique Permit Holders | Total Unique Vessels | Total Unique Permit Holders | Total Unique Vessels | Total Unique Permit Holders | Total Unique Vessels | Total Unique Permit Holders | Total Unique Vessels | Total Unique Permit Holders | Total Unique Vessels |
| PWS        | Non-Pelagic   | 14                          | 14                   | 8                           | 8                    | 2                           | 2                    | 1                           | 1                    |                             |                      |                             |                      |
|            | Pelagic Trawl | 9                           | 7                    | 8                           | 6                    | 6                           | 4                    | 5                           | 3                    | 5                           | 3                    | 5                           | 3                    |
|            | Longline      | 253                         | 220                  | 226                         | 197                  | 197                         | 166                  | 168                         | 134                  | 140                         | 106                  | 111                         | 71                   |
|            | Pots          | 16                          | 15                   | 13                          | 12                   | 13                          | 12                   | 4                           | 3                    | 2                           | 1                    | 2                           | 1                    |
| Cook Inlet | Non-Pelagic   | 17                          | 17                   | 7                           | 7                    |                             |                      |                             |                      |                             |                      |                             |                      |
|            | Pelagic Trawl | 5                           | 5                    | 5                           | 5                    |                             |                      |                             |                      |                             |                      |                             |                      |
|            | Longline      | 300                         | 234                  | 262                         | 201                  | 202                         | 159                  | 152                         | 120                  | 110                         | 85                   | 67                          | 51                   |
|            | Pots          | 63                          | 46                   | 52                          | 39                   | 37                          | 29                   | 18                          | 16                   | 15                          | 13                   | 11                          | 10                   |
| Kodiak     | Non-Pelagic   | 52                          | 46                   | 31                          | 30                   | 27                          | 25                   | 16                          | 15                   | 14                          | 13                   | 6                           | 6                    |
|            | Pelagic Trawl | 102                         | 73                   | 92                          | 68                   | 74                          | 59                   | 73                          | 59                   | 53                          | 42                   | 36                          | 33                   |
|            | Longline      | 360                         | 308                  | 329                         | 287                  | 291                         | 261                  | 209                         | 195                  | 156                         | 145                  | 108                         | 104                  |
|            | Pots          | 191                         | 152                  | 177                         | 142                  | 138                         | 107                  | 92                          | 70                   | 69                          | 56                   | 54                          | 43                   |
| Chignik    | Non-Pelagic   | 4                           | 4                    | 3                           | 3                    | 2                           | 2                    | 1                           | 1                    |                             |                      |                             |                      |
|            | Pelagic Trawl | 54                          | 48                   | 34                          | 32                   | 26                          | 25                   | 24                          | 23                   | 24                          | 23                   | 3                           | 3                    |
|            | Longline      | 23                          | 20                   | 20                          | 18                   | 18                          | 16                   | 15                          | 14                   | 12                          | 11                   | 9                           | 8                    |
|            | Pots          | 81                          | 65                   | 64                          | 53                   | 41                          | 37                   | 26                          | 27                   | 22                          | 22                   | 16                          | 16                   |
| AK Peninsu | Non-Pelagic   | 74                          | 66                   | 61                          | 57                   | 51                          | 49                   | 38                          | 36                   | 22                          | 22                   | 9                           | 9                    |
|            | Pelagic Trawl | 77                          | 67                   | 61                          | 52                   | 47                          | 42                   | 44                          | 39                   | 35                          | 31                   | 31                          | 28                   |
|            | Longline      | 65                          | 55                   | 54                          | 47                   | 46                          | 38                   | 33                          | 27                   | 22                          | 21                   | 16                          | 15                   |
|            | Pots          | 197                         | 170                  | 181                         | 157                  | 164                         | 140                  | 116                         | 103                  | 91                          | 82                   | 72                          | 66                   |
| All Areas  | All Gears     | 1,329                       | 1,017                | 1,193                       | 929                  | 1,024                       | 820                  | 791                         | 635                  | 624                         | 504                  | 478                         | 387                  |

current bill

proposal

### Notes:

- 1) Source, CFEC 4/15/04; estimates are preliminary.
- 2) Figures are derived from commercial landings (product sold, excluding test fishing and confiscated catch) of groundfish from state waters made on longline, pot and trawl gear.
- 3) Groundfish landings include those made in the parallel or state waters groundfish seasons, or as bycatch in other fisheries.
- 4) Groundfish includes fish species defined in CSSB347(Res).

**Groundfish Harvests in the Gulf of Alaska**  
**Number of Vessels With Landings by Registration Area and Current LLP Status**  
**1998-2003**

|                                                                 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | Average<br>1998-2003 | Total<br>Unique<br>Vessels<br>1998-2003 |
|-----------------------------------------------------------------|------|------|------|------|------|------|----------------------|-----------------------------------------|
| <b>Prince William Sound</b>                                     |      |      |      |      |      |      |                      |                                         |
| Current LLP                                                     | 70   | 60   | 52   | 45   | 44   | 29   | 50                   | 119                                     |
| No Current LLP                                                  | 31   | 44   | 47   | 48   | 42   | 46   | 43                   | 121                                     |
| Total vessels                                                   | 101  | 104  | 99   | 93   | 86   | 75   | 93                   | 240                                     |
| <b>Cook Inlet</b>                                               |      |      |      |      |      |      |                      |                                         |
| Current LLP                                                     | 110  | 102  | 73   | 57   | 50   | 38   | 72                   | 190                                     |
| No Current LLP                                                  | 31   | 35   | 26   | 26   | 23   | 23   | 27                   | 103                                     |
| Total vessels                                                   | 141  | 137  | 99   | 83   | 73   | 61   | 99                   | 293                                     |
| <b>Kodiak</b>                                                   |      |      |      |      |      |      |                      |                                         |
| Current LLP                                                     | 152  | 172  | 173  | 158  | 128  | 134  | 153                  | 331                                     |
| No Current LLP                                                  | 37   | 56   | 69   | 46   | 35   | 36   | 47                   | 147                                     |
| Total vessels                                                   | 189  | 228  | 242  | 204  | 163  | 170  | 199                  | 478                                     |
| <b>Chignik</b>                                                  |      |      |      |      |      |      |                      |                                         |
| Current LLP                                                     | 58   | 42   | 21   | 18   | 32   | 19   | 32                   | 99                                      |
| No Current LLP                                                  | 10   | 12   | 9    | 6    | 4    | 7    | 8                    | 25                                      |
| Total vessels                                                   | 68   | 54   | 30   | 24   | 36   | 26   | 40                   | 124                                     |
| <b>South Alaska Peninsula</b>                                   |      |      |      |      |      |      |                      |                                         |
| Current LLP                                                     | 105  | 97   | 108  | 92   | 69   | 86   | 93                   | 223                                     |
| No Current LLP                                                  | 9    | 12   | 17   | 12   | 10   | 11   | 12                   | 51                                      |
| Total vessels                                                   | 114  | 109  | 125  | 104  | 79   | 97   | 105                  | 274                                     |
| All areas - Sum of vessels                                      | 613  | 632  | 595  | 508  | 437  | 429  | 536                  | 1,409                                   |
| <b>Count of Unique vessels in state waters</b>                  |      |      |      |      |      |      |                      |                                         |
| Current LLP                                                     | 373  | 389  | 377  | 310  | 269  | 272  | 332                  | 626                                     |
| No Current LLP                                                  | 109  | 151  | 161  | 133  | 106  | 115  | 129                  | 393                                     |
| Total vessels                                                   | 482  | 540  | 538  | 443  | 375  | 387  | 461                  | 1,019                                   |
| <b>EEZ Current LLP with no recorded harvest in state waters</b> |      |      |      |      |      |      |                      |                                         |
|                                                                 | 206  | 190  | 214  | 180  | 163  | n/a  | 191                  | 467                                     |

Source: ADF&G fish ticket database, NOAA Fisheries RAM Division groundfish LLP file (3/26/04) and data compiled by the North Pacific Fishery Management Council staff.  
 Groundfish harvest includes commercial landings made in the state waters or parallel fisheries, or as bycatch in other fisheries with pot, longline and trawl gear.

**PRELIMINARY DATA**

**Groundfish Harvests From State Waters  
Number of Vessels With Landings by Registration Area and Gear Type  
With the Number of Vessels Recording Landings in Multiple Areas**

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Vessels | Vessels With Landings in: |              |                |               |               | Total<br>Vessels<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|--------------------------|---------------------------|--------------|----------------|---------------|---------------|------------------------------------------|
|                                    |                   |      |                          | One<br>Area               | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                          |
| PWS                                | Non-Pelagic Trawl | 1998 | 11                       | 3                         | 5            | 2              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 7                        | 5                         | 2            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 2                        | 2                         | 0            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 1                        | 1                         | 0            | 0              | 0             | 0             | 443                                      |
| PWS                                | Pelagic Trawl     | 1998 | 1                        | 0                         | 1            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 2                        | 1                         | 1            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 3                        | 2                         | 1            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 2                        | 1                         | 1            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 3                        | 1                         | 1            | 1              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 3                        | 1                         | 2            | 0              | 0             | 0             | 387                                      |
| PWS                                | Longline          | 1998 | 87                       | 53                        | 31           | 2              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 95                       | 70                        | 24           | 1              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 38                       | 66                        | 21           | 1              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 91                       | 71                        | 15           | 5              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 83                       | 66                        | 15           | 2              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 71                       | 56                        | 15           | 0              | 0             | 0             | 387                                      |
| PWS                                | Pots              | 1998 | 6                        | 6                         | 0            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 4                        | 3                         | 1            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 10                       | 7                         | 3            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 2                        | 1                         | 1            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2003 | 1                        | 1                         | 0            | 0              | 0             | 0             | 387                                      |
| Cook In                            | Non-Pelagic Trawl | 1998 | 15                       | 5                         | 7            | 2              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 7                        | 5                         | 2            | 0              | 0             | 0             | 540                                      |
| Cook In                            | Pelagic Trawl     | 1999 | 5                        | 0                         | 5            | 0              | 0             | 0             | 540                                      |
| Cook In                            | Longline          | 1998 | 109                      | 59                        | 47           | 2              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 104                      | 68                        | 35           | 1              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 80                       | 48                        | 32           | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 73                       | 43                        | 24           | 6              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 64                       | 36                        | 26           | 2              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 51                       | 31                        | 19           | 1              | 0             | 0             | 387                                      |
| Cook In                            | Pots              | 1998 | 15                       | 15                        | 0            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 25                       | 21                        | 4            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 20                       | 15                        | 5            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 10                       | 9                         | 1            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 10                       | 9                         | 1            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 10                       | 10                        | 0            | 0              | 0             | 0             | 387                                      |

# PRELIMINARY DATA

## Groundfish Harvests From State Waters Number of Vessels With Landings by Registration Area and Gear Type With the Number of Vessels Recording Landings in Multiple Areas

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Vessels | Vessels With Landings in: |              |                |               |               | Total<br>Vessels<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|--------------------------|---------------------------|--------------|----------------|---------------|---------------|------------------------------------------|
|                                    |                   |      |                          | One<br>Area               | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                          |
| Kodiak                             | Non-Pelagic Trawl | 1998 | 30                       | 24                        | 4            | 1              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 10                       | 10                        | 0            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 15                       | 14                        | 1            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 7                        | 7                         | 0            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 11                       | 11                        | 0            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 6                        | 6                         | 0            | 0              | 0             | 0             | 387                                      |
| Kodiak                             | Pelagic Trawl     | 1998 | 46                       | 38                        | 8            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 46                       | 39                        | 7            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 17                       | 16                        | 1            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 49                       | 39                        | 7            | 3              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 37                       | 29                        | 7            | 1              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 33                       | 30                        | 3            | 0              | 0             | 0             | 387                                      |
| Kodiak                             | Longline          | 1998 | 88                       | 68                        | 17           | 2              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 109                      | 92                        | 17           | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 145                      | 130                       | 14           | 1              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 116                      | 91                        | 19           | 6              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 92                       | 73                        | 17           | 2              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 104                      | 94                        | 9            | 1              | 0             | 0             | 387                                      |
| Kodiak                             | Pots              | 1998 | 55                       | 49                        | 6            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 93                       | 87                        | 6            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 85                       | 79                        | 6            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 45                       | 41                        | 4            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 39                       | 38                        | 1            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 43                       | 39                        | 4            | 0              | 0             | 0             | 387                                      |
| Chignik                            | Non-Pelagic Trawl | 1998 | 1                        | 0                         | 1            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 1                        | 1                         | 0            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 1                        | 0                         | 1            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 1                        | 1                         | 0            | 0              | 0             | 0             | 443                                      |
| Chignik                            | Pelagic Trawl     | 1998 | 36                       | 4                         | 32           | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 19                       | 0                         | 19           | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 2                        | 2                         | 0            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 4                        | 0                         | 1            | 3              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 22                       | 2                         | 19           | 1              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 3                        | 0                         | 3            | 0              | 0             | 0             | 387                                      |
| Chignik                            | Longline          | 1998 | 3                        | 3                         | 0            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 4                        | 3                         | 1            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 6                        | 4                         | 2            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 3                        | 2                         | 1            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 4                        | 2                         | 2            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 8                        | 7                         | 0            | 1              | 0             | 0             | 387                                      |

# PRELIMINARY DATA

## Groundfish Harvests From State Waters Number of Vessels With Landings by Registration Area and Gear Type With the Number of Vessels Recording Landings in Multiple Areas

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Vessels | Vessels With Landings in: |              |                |               |               | Total<br>Vessels<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|--------------------------|---------------------------|--------------|----------------|---------------|---------------|------------------------------------------|
|                                    |                   |      |                          | One<br>Area               | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                          |
| Chignik                            | Pots              | 1998 | 33                       | 23                        | 10           | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 32                       | 25                        | 7            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 22                       | 17                        | 5            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 16                       | 15                        | 1            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 12                       | 12                        | 0            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 16                       | 13                        | 3            | 0              | 0             | 0             | 387                                      |
| AK Penin                           | Non-Pelagic Trawl | 1998 | 31                       | 28                        | 1            | 1              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 34                       | 34                        | 0            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 34                       | 32                        | 2            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 22                       | 22                        | 0            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 15                       | 15                        | 0            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 9                        | 9                         | 0            | 0              | 0             | 0             | 387                                      |
| AK Penin                           | Pelagic Trawl     | 1998 | 40                       | 13                        | 27           | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 33                       | 15                        | 18           | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 29                       | 29                        | 0            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 34                       | 24                        | 7            | 3              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 27                       | 14                        | 13           | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 28                       | 24                        | 4            | 0              | 0             | 0             | 387                                      |
| AK Penin                           | Longline          | 1998 | 13                       | 7                         | 5            | 0              | 1             | 0             | 481                                      |
|                                    |                   | 1999 | 14                       | 10                        | 3            | 1              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 13                       | 9                         | 3            | 1              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 10                       | 6                         | 3            | 1              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 6                        | 4                         | 2            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 15                       | 14                        | 1            | 0              | 0             | 0             | 387                                      |
| AK Penin                           | Pots              | 1998 | 66                       | 60                        | 6            | 0              | 0             | 0             | 481                                      |
|                                    |                   | 1999 | 68                       | 64                        | 4            | 0              | 0             | 0             | 540                                      |
|                                    |                   | 2000 | 99                       | 96                        | 3            | 0              | 0             | 0             | 538                                      |
|                                    |                   | 2001 | 68                       | 65                        | 3            | 0              | 0             | 0             | 443                                      |
|                                    |                   | 2002 | 58                       | 56                        | 2            | 0              | 0             | 0             | 375                                      |
|                                    |                   | 2003 | 66                       | 59                        | 7            | 0              | 0             | 0             | 387                                      |

### Notes:

- 1) Source, CFEC 3/25/04; estimates are preliminary.
- 2) Figures are derived from commercial landings (product sold, excluding test fishing or confiscated catch) of groundfish from state waters made on longline, pot, and trawl gear.
- 3) Groundfish landings include those made in the parallel or state waters groundfish seasons, or as bycatch in other fisheries.
- 4) Groundfish includes fish species defined in CSSB347(Res).

# PRELIMINARY DATA

## Groundfish Harvests From State Waters Number of Permit Holders With Landings by Registration Area and Gear Type With the Number of Permit Holders Recording Landings in Multiple Areas

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Permit<br>Holders | Permit Holders With Landings in: |              |                |               |               | Total Pmt<br>Holders<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|------------------------------------|----------------------------------|--------------|----------------|---------------|---------------|----------------------------------------------|
|                                    |                   |      |                                    | One<br>Area                      | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                              |
| P.V.S                              | Non-Pelagic Trawl | 1998 | 11                                 | 3                                | 5            | 2              | 1             | 0             | 582                                          |
|                                    |                   | 1999 | 7                                  | 5                                | 2            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 2                                  | 2                                | 0            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 1                                  | 1                                | 0            | 0              | 0             | 0             | 515                                          |
| PWS                                | Pelagic Trawl     | 1998 | 1                                  | 0                                | 1            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 2                                  | 1                                | 1            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 3                                  | 2                                | 1            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 2                                  | 1                                | 1            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 4                                  | 2                                | 1            | 1              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 5                                  | 3                                | 2            | 0              | 0             | 0             | 478                                          |
| PWS                                | Longline          | 1998 | 109                                | 80                               | 28           | 1              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 123                                | 98                               | 25           | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 113                                | 93                               | 20           | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 121                                | 100                              | 20           | 1              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 103                                | 88                               | 15           | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 111                                | 97                               | 13           | 1              | 0             | 0             | 478                                          |
| PWS                                | Pots              | 1998 | 6                                  | 5                                | 1            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 4                                  | 4                                | 0            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 10                                 | 7                                | 3            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 2                                  | 1                                | 1            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2003 | 2                                  | 2                                | 0            | 0              | 0             | 0             | 478                                          |
| Cook In                            | Non-Pelagic Trawl | 1998 | 15                                 | 5                                | 7            | 2              | 1             | 0             | 582                                          |
|                                    |                   | 1999 | 7                                  | 5                                | 2            | 0              | 0             | 0             | 658                                          |
| Cook In                            | Pelagic Trawl     | 1999 | 5                                  | 1                                | 4            | 0              | 0             | 0             | 658                                          |
| Cook In                            | Longline          | 1998 | 122                                | 76                               | 44           | 2              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 125                                | 87                               | 38           | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 94                                 | 65                               | 29           | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 82                                 | 50                               | 30           | 2              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 72                                 | 48                               | 24           | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 67                                 | 50                               | 15           | 2              | 0             | 0             | 478                                          |
| Cook In                            | Pots              | 1998 | 20                                 | 19                               | 1            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 32                                 | 30                               | 2            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 25                                 | 20                               | 5            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 12                                 | 11                               | 1            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 11                                 | 10                               | 1            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 11                                 | 11                               | 0            | 0              | 0             | 0             | 478                                          |

# PRELIMINARY DATA

## Groundfish Harvests From State Waters Number of Permit Holders With Landings by Registration Area and Gear Type With the Number of Permit Holders Recording Landings in Multiple Areas

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Permit<br>Holders | Permit Holders With Landings in: |              |                |               |               | Total Pmt<br>Holders<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|------------------------------------|----------------------------------|--------------|----------------|---------------|---------------|----------------------------------------------|
|                                    |                   |      |                                    | One<br>Area                      | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                              |
| Kodiak                             | Non-Pelagic Trawl | 1998 | 33                                 | 27                               | 4            | 1              | 1             | 0             | 582                                          |
|                                    |                   | 1999 | 10                                 | 10                               | 0            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 16                                 | 15                               | 1            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 7                                  | 7                                | 0            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 12                                 | 12                               | 0            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 6                                  | 6                                | 0            | 0              | 0             | 0             | 478                                          |
| Kodiak                             | Pelagic Trawl     | 1998 | 52                                 | 44                               | 8            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 56                                 | 51                               | 5            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 17                                 | 16                               | 1            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 55                                 | 46                               | 6            | 3              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 45                                 | 36                               | 8            | 1              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 36                                 | 33                               | 3            | 0              | 0             | 0             | 478                                          |
| Kodiak                             | Longline          | 1998 | 97                                 | 76                               | 19           | 2              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 126                                | 108                              | 18           | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 152                                | 138                              | 14           | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 122                                | 102                              | 18           | 2              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 98                                 | 83                               | 15           | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 108                                | 99                               | 7            | 2              | 0             | 0             | 478                                          |
| Kodiak                             | Pots              | 1998 | 66                                 | 59                               | 7            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 108                                | 103                              | 5            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 102                                | 97                               | 5            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 54                                 | 50                               | 4            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 44                                 | 43                               | 1            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 54                                 | 50                               | 4            | 0              | 0             | 0             | 478                                          |
| Chignik                            | Non-Pelagic Trawl | 1998 | 1                                  | 0                                | 1            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 1                                  | 1                                | 0            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 1                                  | 0                                | 1            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 1                                  | 1                                | 0            | 0              | 0             | 0             | 515                                          |
| Chignik                            | Pelagic Trawl     | 1998 | 39                                 | 5                                | 34           | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 19                                 | 1                                | 18           | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 2                                  | 2                                | 0            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 4                                  | 0                                | 1            | 3              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 23                                 | 2                                | 20           | 1              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 3                                  | 0                                | 3            | 0              | 0             | 0             | 478                                          |
| Chignik                            | Longline          | 1998 | 3                                  | 3                                | 0            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 4                                  | 3                                | 1            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 6                                  | 4                                | 2            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 3                                  | 2                                | 1            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 4                                  | 2                                | 2            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 9                                  | 8                                | 0            | 1              | 0             | 0             | 478                                          |

# PRELIMINARY DATA

## Groundfish Harvests From State Waters Number of Permit Holders With Landings by Registration Area and Gear Type With the Number of Permit Holders Recording Landings in Multiple Areas

| Groundfish<br>Registration<br>Area | Gear<br>Type      | Year | Total<br>Area<br>Permit<br>Holders | Permit Holders With Landings in: |              |                |               |               | Total Pmt<br>Holders<br>All GOA<br>All Gears |
|------------------------------------|-------------------|------|------------------------------------|----------------------------------|--------------|----------------|---------------|---------------|----------------------------------------------|
|                                    |                   |      |                                    | One<br>Area                      | Two<br>Areas | Three<br>Areas | Four<br>Areas | Five<br>Areas |                                              |
| Chignik                            | Pots              | 1998 | 38                                 | 27                               | 11           | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 40                                 | 33                               | 7            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 27                                 | 22                               | 5            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 16                                 | 15                               | 1            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 12                                 | 11                               | 1            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 16                                 | 12                               | 4            | 0              | 0             | 0             | 478                                          |
| AK Penin                           | Non-Pelagic Trawl | 1998 | 31                                 | 28                               | 1            | 1              | 1             | 0             | 582                                          |
|                                    |                   | 1999 | 34                                 | 34                               | 0            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 33                                 | 31                               | 2            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 22                                 | 22                               | 0            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 15                                 | 15                               | 0            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 9                                  | 9                                | 0            | 0              | 0             | 0             | 478                                          |
| AK Penin                           | Pelagic Trawl     | 1998 | 43                                 | 14                               | 29           | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 37                                 | 19                               | 18           | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 30                                 | 30                               | 0            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 33                                 | 24                               | 6            | 3              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 28                                 | 15                               | 13           | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 31                                 | 27                               | 4            | 0              | 0             | 0             | 478                                          |
| AK Penin                           | Longline          | 1998 | 16                                 | 10                               | 5            | 1              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 15                                 | 13                               | 2            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 16                                 | 13                               | 3            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 12                                 | 8                                | 3            | 1              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 6                                  | 4                                | 2            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 16                                 | 15                               | 1            | 0              | 0             | 0             | 478                                          |
| AK Penin                           | Pots              | 1998 | 78                                 | 72                               | 6            | 0              | 0             | 0             | 582                                          |
|                                    |                   | 1999 | 74                                 | 70                               | 4            | 0              | 0             | 0             | 658                                          |
|                                    |                   | 2000 | 106                                | 104                              | 2            | 0              | 0             | 0             | 627                                          |
|                                    |                   | 2001 | 70                                 | 67                               | 3            | 0              | 0             | 0             | 515                                          |
|                                    |                   | 2002 | 64                                 | 61                               | 3            | 0              | 0             | 0             | 440                                          |
|                                    |                   | 2003 | 72                                 | 64                               | 8            | 0              | 0             | 0             | 478                                          |

### Notes:

- 1) Source, CFEC 3/25/04; estimates are preliminary.
- 2) Figures are derived from commercial landings (product sold, excluding test fishing or confiscated catch) of groundfish from state waters made on longline, pot, and trawl gear.
- 3) Groundfish landings include those made in the parallel or state waters groundfish seasons, or as bycatch in other fisheries.
- 4) Groundfish includes fish species defined in CSSB347(Res).

## PRELIMINARY DATA

### Groundfish Harvests From State Waters Number of Unique Permit Holders and Vessels With Landings Over the 1998-2003 Period

| Area         | Gear Type         | Total Unique Permit Holders | Total Unique Vessels |
|--------------|-------------------|-----------------------------|----------------------|
| PWS          | Non-Pelagic Trawl | 14                          | 14                   |
|              | Pelagic Trawl     | 9                           | 7                    |
|              | Longline          | 253                         | 220                  |
|              | Pots              | 16                          | 15                   |
| Cook Inlet   | Non-Pelagic Trawl | 17                          | 17                   |
|              | Pelagic Trawl     | 5                           | 5                    |
|              | Longline          | 300                         | 234                  |
|              | Pots              | 63                          | 46                   |
| Kodiak       | Non-Pelagic Trawl | 52                          | 46                   |
|              | Pelagic Trawl     | 102                         | 73                   |
|              | Longline          | 360                         | 308                  |
|              | Pots              | 191                         | 152                  |
| Chignik      | Non-Pelagic Trawl | 4                           | 4                    |
|              | Pelagic Trawl     | 54                          | 18                   |
|              | Longline          | 23                          | 20                   |
|              | Pots              | 81                          | 65                   |
| AK Peninsula | Non-Pelagic Trawl | 74                          | 66                   |
|              | Pelagic Trawl     | 77                          | 67                   |
|              | Longline          | 65                          | 55                   |
|              | Pots              | 197                         | 170                  |
| All Areas    | All Gears         | 1,329                       | 1,017                |

**Notes:**

1) Source, CFEC 3/30/04; estimates are preliminary.

2) Figures are derived from commercial landings (product sold, excluding test fishing or confiscated catch) of groundfish from state waters made on longline, pot, and trawl gear.

3) Groundfish landings include those made in the parallel or state waters groundfish seasons, or as bycatch in other fisheries.

4) Groundfish includes fish species defined in CSSB347(Res).

**SCOMM**

**131:41**

23-LS1908A  
Utermohle  
4/2/04

**HOUSE CONCURRENT RESOLUTION NO.**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY**

**Introduced:**  
**Referred:**

**A RESOLUTION**

1    **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**  
2    **Legislature, concerning Senate Bill No. 347, relating to moratoria on entry into**  
3    **commercial fisheries and into the Gulf of Alaska groundfish fisheries.**

4    **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5        That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of  
6    Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding  
7    changes to the title of a bill, are suspended in consideration of Senate Bill No. 347, relating to  
8    moratoria on entry into commercial fisheries and into the Gulf of Alaska groundfish fisheries.



# Alaska State Legislature

Please enter into the record by testimony to the House Fisheries Committee  
COMMITTEE NAME  
committee on SB 347, dated 5 April 2004  
BILL / SUBJECT TODAY'S DATE

Honourable Paul Seaton, chair

I support a moratorium on new entrants in The state water groundfish fishery in order to protect coastal fishermen from the changes made by the Federal groundfish rationalization.

However, any award of permanent fishing rights should go to fishermen and not vessels. We must stop the trend ~~to~~ of moving fish ownership out of state.

Signed: Mako Haggerty MAKO HAGGERTY  
TESTIFIER

REPRESENTING

PO Box 2001 Homer AK 99603  
ADDRESS

907 235-9055  
PHONE NO.

**Subject:** [Fwd: SB347]

**Date:** Mon, 19 Apr 2004 18:19:59 -0800

**From:** Paul Seaton <Representative\_Paul\_Seaton@Legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Cameron Yourkowski <Cameron\_Yourkowski@legis.state.ak.us>

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**Subject:** Re: SB347

**Date:** Mon, 19 Apr 2004 08:07:09 -0800

**From:** "Mako Haggerty" <mako@xyz.net>

**To:** "Paul Seaton" <Representative\_Paul\_Seaton@Legis.state.ak.us>

Dear Mr. Seaton

Re: SB347

I oppose any award of fishing rights to the vessel. Fishing privileges must be awarded to the **Fisherman**, the person actually doing the fishing. This may not be as expedient for the bureaucrats in CFEC, but it maintains the integrity and reduces the impact on coastal fishing communities.

Please do not create an absentee-owner fishery like HB206 did for the hair crab fishery.

Respectfully,

Mako Haggerty

Homer

**Subject:** yes

**Date:** Sun, 18 Apr 2004 17:38:07 -0800

**From:** Paul Seaton <Representative\_Paul\_Seaton@Legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** 1 <Lauren\_Radcliffe@legis.state.ak.us>

The legislature, and more specifically the House Fisheries Committee, has been struggling with a request for a moratorium on new entrants into any state water groundfish fishery. This includes all saltwater species other than shellfish, salmon, herring, and halibut. The request for this moratorium came from the Board of Fisheries' concern with conforming to a potential GOA federal "rationalization". SB 347 was based on vessel ownership instead of fishery permit holders as has been the state policy since limited entry was created in 1972. Although this is a 'temporary' plan, it would set the train on tracks that most Alaskans fought two years ago in the HB206 process that allowed corporate ownership of fishing privileges for the first time. HB 206 limited consideration of a vessel owner based system to only the Korean Hair Crab and Scallop fisheries and mandated that vessels could only be used if the traditional fishing permit based system could not work. This policy change sunsets in five years. However, CFEC adopted both as vessel based systems because they argued it was more "efficient", "a vessel-based permit program ... is similar to the federal license limitation program..." and finally, "...is least disruptive..." (CFEC March 25, 2004 page 4). Since CFEC developed these type of criteria, I expect all future entry permit programs will be vessel based if we allow CFEC the option of determining state policy. The bill also has a life of 4 years with an extension of 2 years and splits up the Gulf of Alaska into 20 specific fisheries in which the vessel would have needed to participate at least once since 1998 to be able to fish during the moratorium. Unfortunately, CFEC and the ADF&G maintain that we would have to allow participation during these years to count towards future allocation because of "recent participation" and "dependence on the fishery" issues. A big problem is that there were only 467 total participants in 2003 and there would be 1017 qualified vessels. This could create a 'race for the fish' from 550 non participating moratorium vessels if there is expectation that there could be some type of quota share program. The moratorium is intended to be protecting the state waters from a 'race for the fish' from 467 federally licensed vessels who do not currently participate in State waters. So in reality, we could be creating a bigger race for fish among the moratorium vessels which obviously have gear and experience in the areas, than we protect from federal vessels. Another problem which the proposal creates is conflict with the Alaska Supreme Court opinion that limited entry is only allowed when necessary and in a way that least impinges

on 'open access' to the commonly held resource. Article VIII Section 15 allows a special privilege of fishery for resource conservation and to prevent economic distress among fishermen. However, many of the fisheries which SB 347 would close to new

entrants are not fully utilized. Even the State water Pacific cod fishery guideline harvest has not been met in

Prince William Sound and many miscellaneous finfish species in each area go under harvested. How do we

justify closing entry into fisheries for possibly 6 years, which we are trying to develop?

The Fisheries Committee has been working on compromises.

One proposal was an entry permit area and gear endorsement which would have

functioned the same way as the vessel system but based on current limited entry interim use permits. Another

proposal was for requiring a combination of both types of permits to be on board. However, the fishery area and

gear were assigned to the vessel while the fishermen could go anywhere and operate any gear. This policy would

therefore tend to assign the production to the area and gear - i.e.

vessel - and again would give CFEC the policy

flexibility to design the vessel based program. I am now proposing a

entry permit based system for only a single

year with an extension available for only one additional year. I think

this gets us past the problem of letting CFEC

determine the state policy and gets us past the necessity to use any moratorium production or participation for

future program as we have with an extended moratorium.

It is late in a very full and contentious session to establish a whole

new policy direction for the State's fisheries.

We are still just getting responses to our data requests.

We have another hearing on Monday starting at 9 am, so please send an email, fax or go to your LIO for the

teleconference.

**Subject: SB 347****Date:** Fri, 26 Mar 2004 10:52:08 -0900**From:** "Gerry Merrigan" <gmerrigan@aptalaska.net>**To:** <Representative\_Paul\_Seaton@legis.state.ak.us>

**CC:** "Peggy Wilson" <Representative\_Peggy\_Wilson@legis.state.ak.us>,  
 <Representative\_Cheryll\_Heinze@legis.state.ak.us>,  
 <Representative\_David\_Guttenberg@legis.state.ak.us>,  
 <Representative\_Les\_Gara@legis.state.ak.us>,  
 "" <Representative\_Dan\_Ogg@legis.state.ak.us>:  
 <Representative\_Ralph\_Samuels@legis.state.ak.us>,  
 "Sue Aspelund" <sue\_aspelund@fishgame.state.ak.us>

Mr. Chairman and members of the House Special Committee on Fisheries,

I am writing you in support of SB 347 which would establish a vessel moratorium in GOA statewater groundfish fisheries. I support this bill for the following reasons:

- 1.) As you are probably aware, the groundfish seasons in the GOA are becoming progressively shorter and shorter and are down to weeks and days respectively in the p-cod and pollock fisheries (despite a recent increase in TAC). This is primarily due to increased effort. Federal fisheries management is looking to end the race for fish in federal waters in order to reduce bycatch, improve product quality, promote safety at sea, and in general, make the fisheries more "rational." All of these factors have been further complicated by the Steller sea lion mitigation measures under the Endangered Species Act. However, the federal effort towards a "rational" fishery will be pointless without some complementary action in statewaters.
- 2.) The statewaters fisheries include the parallel and the state-managed fisheries.
- 3.) The participants in the federal and state fisheries are the same vessels. Over half the participants are Alaskans (50%-62% depending on area and gear type). It is not an "us vs. them" scenario because we are talking about the same people, i.e. "us" is "them". Alaskans with historical participation in federal and state fisheries in GOA groundfish are looking for relief in rationalization. Alaskans with historical participation and significant investments are not looking to greatly expand these fisheries. These fisheries are fully utilized and expanding the number of entrants would be a "de-rationalization" program.
- 4.) A vessel moratorium will serve as a time-out on an increase in capacity (number of boats). If for example, you were to consider a moratorium on participants (people) instead of vessels, what will happen is a large expansion of the capacity of the fleet. The reason being that one vessel may have many skippers, particularly in the larger vessels. With a vessel moratorium, that is one permit. With a moratorium on operators, that would result in multiple permits be issued which would increase the number of potential eligible vessels.
- 5.) The vessel moratorium will allow ADF&G and CFEC time to gather the data on individual fisheries. When that data is gathered, there will be a public process to determine if that fishery should be limited and if so, which method would best preserve the historic composition - vessel or operator. By choosing a vessel moratorium now, it does not mean that every fishery will end up as a vessel limited entry license. Choosing a vessel moratorium now makes the most sense in terms of fleet capacity and provides CFEC the flexibility to determine the most appropriate method for each fishery.